Public Hearing at 7:05pm: PC-2021-70, Grandview – Lapeer Road Rezone Request, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and approx. 4.21 acres from Recreation 2 (Rec-2) to General Business (GB).

Public Hearing (immediately following PC-2021-70 at 7:05pm): PC-2021-71, F & D Silverbell Rezone Request, the request is to rezone approx. 23.05 acres of vacant parcel (#09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB).
The Charter Township of Orion Planning Commission held a workshop meeting in person at the Orion Center, 1335 Joslyn Road on Wednesday, September 15, 2021, at 6 pm.

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**PLANNING COMMISSION MEMBERS PRESENT:**
Don Walker, PC Rep to ZBA
Scott Reynolds, Chairman
Kim Urbanowski, BOT Rep to PC

**PLANNING COMMISSION MEMBERS ABSENT:**
Joe St. Henry, Secretary

1. **OPEN MEETING**
Chairman Reynolds opened the workshop meeting at 6:00 pm.

2. **ROLL CALL**
As noted

**CONSULTANTS PRESENT:**
Rodney Arroyo, (Township Planner) of Giffels Webster
Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Jeff Klatt

3. **AGENDA REVIEW AND APPROVAL**
Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to **approve** the agenda as presented.

4. **NEW BUSINESS/UNFINISHED BUSINESS**

A. PC-2021-07, 5 Year Master Plan Update

Planner Arroyo said he was going to continue their review section by section of the Future Land Use Plan. He stated that this would wrap up the northern tier. When he gets done with this, he was going to give them a look ahead, in terms of, where they go from here.

Planner Arroyo showed the Commissioner’s the differences between the Future Land Use categories and the Zoning categories. He noted that the very top of the Township is Sections 1-12, and that is what they will be covering.

Planner Arroyo stated with Section #1, the very far northeast corner of the Township. He noted that in this particular section they didn’t have a whole lot to comment on. They do have designated SC developments that will need to be called out. Their long-range plan, the land use plan, and zoning seem to be pretty much in alignment here, so they didn’t really have any significant observations on this one. Chairman Reynolds questioned the Rec-2 parcel from the zoning map, he asked if that was private or public Rec-2? Planner Arroyo thought it was Bald Mountain, it was just a little piece that sticks up. Planner Arroyo said that they would probably want to designate the Future Land Use with the recreation in that corner.
Planner Arroyo moved on to Section 2, there is a portion of the Village of Lake Orion in this section, and there are several other areas. There is commercial, office and industrial zoning generally found along Lapeer Rd., on the righthand side. Parcels on the east side of Lapeer Rd. are zoned (SC). The (R-1) component on the northeast corner would typically align with single-family medium-high density rather than low-density. Since that is developed that would make a logical change there. The parcels on the east side of Lapeer, just north of the Village boundary have been developed with commercial development, and he thought they needed to reflect those because there was an (SC) project that had components that were residential and then frontage commercial, and office on the north side. The northern one is more office, the southern one is more retail. They would want the Master Plan to reflect that those frontage parcels on the east side of Lapeer are no longer planned for single-family development.

Chairman Reynolds said he was good with that comment. He said looking at some of the corridors and labeling them as institutional or general office. He asked what does that mean? He thought it was a different aesthetic than what is at the south end of M24. He thought that they needed to look at some of the corridors and even the institutional parcel that is on the Future Land Use Map that is also (OP) that is St. Joe’s Church it is a landmark historical piece so there are other signifiers that say in that area they want to maintain a certain aesthetic. He knew it wasn’t zoning per se but it does drive some of those features.

Planning & Zoning Director Girling said that they do have the new (CJ) on the south side of Indianwood, Firestone. They have the red there which was the first parcel and then the first to the west was part of the development for the Future Land Use. Planner Arroyo said that it is Master Planned for General Office but it is clearly developed in more of a commercial manner so that might be another if they want to recognize that, they could reflect that as well.

Commissioner Walker said that kind of got bogarted in there, and he wouldn’t be keen on changing any kind of designation because that is there. Planner Arroyo said that is why they are asking the question. He said some of them made sense some of them he didn’t think was a great idea. Commissioner Walker said he would consider that more of an outliner. Chairman Reynolds agreed.

Planner Arroyo said next is Section 3, here they have another residential classification where the single-family medium should be medium-high to align with the R-1 & R-3 zoning. He thought that the rest seems to be mostly in alignment. Chairman Reynolds agreed.

Planner Arroyo stated in Section 4, there are areas where the R-1 and R-2 zoning don’t align with the single-family low-medium density. Basically, the two sides if they were going to try to reflect that existing pattern and zoning and show it in the Master Plan, they would change that to single-family medium-high density. Then if they do that then it begs the question, do they really want to continue to have the single-family medium-low density in between or, does it make sense really to bump that up to single-family high density so they have a continuous flow through these sections along the northern boundary?

Planning & Zoning Director Girling stated that right adjacent is a private golf course which isn’t necessarily making it these days, so whatever they are thinking here does that set the trend to that. Planner Arroyo stated what they would propose to do is that on the density plan which they are going to see soon, the density plan is going to reflect a density on that golf course. So even though it is planned for recreation, if that use goes away, the same thing with a school, they will have density recommendations, if the school were too close then they would already have a density recommendation for residential that is in place. It basically covers them from that perspective. Golf courses are a good example a lot of them are going away so it is good to
have a backup in their plan in terms of what the Master Plan recommendation would be if that use goes away. That is how they would handle that.

Chairman Reynolds said that his personal take is to transition the FLU Map on the eastern portion to the high-density marker and keep the lower designation or medium-low density on the western portion as it works its way away from M24. He thought it became a little more obvious with section 5 that there is a lot less density as they continue to the west.

Planner Arroyo moved on to section 5, here they are getting into a lower density area, and is interesting with this Light Industrial (LI). They have some industrial uses that are currently established but they also have an area that has the #1 on it that is planned for residential that is currently in use as industrial as well. He added that the industrial zoning actually goes a little farther west if they look at the zoning that actually includes some undeveloped parcel west of the developed industrial. There are a couple of industrial users here, it seems odd that they are just there in the middle of residential but they are established and there is some additional land planned where they could either see a new use or an expanded use. He asked if they want to have the FLU plan acknowledge that zoning pattern and extend it all the way to the west to create a larger planned industrial area?

Commissioner Brackon stated that it is kind of in the middle of nowhere and he was sure, he wouldn’t speak for all the citizens in that area, they would prefer that that not be there so why expand it?

Vice-Chairman Gross thought that the industrial was really out of place.

Secretary St. Henry said that it is only there because it has been there for 40-years. Well before any of the neighborhoods.

Planner Arroyo said you don’t think of Indianwood being industrial.

Chairman Reynolds said he agreed with those comments. He added that even right now the Future Land Use Map is recognizing the school there but even then, they know that schools can be in residential zoning on larger parcels. He said to him it is just a key feature in the bigger picture of zoning of what they want to see. Indianwood especially as they continue west is two lanes, it is less of a thoroughfare, they are a lot farther from M-24, and I-75. He thought that they were creating a home for those closer to the south end of the Township and also along the major thoroughfares. They are promoting some traffic and density along somewhere there is an island use right now if they look at the FLU as it sits currently.

Planner Arroyo said that they will match the designated land use area with the actual developed industrial.

Chairman Reynolds thought they were saying to keep it as it sits right now. As a future endeavor, they are saying low-density even though it sits as a light industrial use. From a Master Plan standpoint, they would see that going less dense instead of denser. Planner Arroyo questioned even the existing developed industrial piece they want designated for residential because that #1 area actually has an industrial use on it? Chairman Reynolds said he believe so yes.

Chairman Reynolds added that as they move forward if someone were to propose a rezone, they want something that is compatible with low-density. There are a few instances of just an old school it has always been there, a nonconforming use. Planner Arroyo asked if they wanted to eliminate all of the purple? Chairman Reynolds said yeah, right now the purple
historically was just recognizing the school. He didn’t know how they were going to recognize that in this Master Plan but thought that from a zoning perspective they treat it as low-density and know that whether it is an overlay or a marker of sort that they know there is a school there and they support that. The bigger picture they wouldn’t see that becoming denser or highly intensive institutional use even.

Planner Arroyo said that they can designate that as an appropriate designation for a school and then there would be a density under it as well on the density map.

Planner Arroyo moved on to Section 6 all the way over on the northwest corner. He said that there were a number of things going on here they have several areas, single-family low-density areas 1 & 2 are zoned Suburban Estates (SE), so they would change those to single-family medium-low if they are going to align them with the underlying zoning. Single-family low-density areas that are zoned (R-1) & (R-2) which are areas 3, 4, & 5, would be changed to single-family high-density to match the underlying zoning. He added that the PUD is #6, which is a gas station that is currently planned for residential but was approved as a PUD for a gas station.

Chairman Reynolds said this is one of those areas where even more of a discussion of section 5 occurring in section 6. They have the general feel of what they are going for Future Land Use versus reality, so do they catch that up to speed, or does that promote higher density starting to sprinkle into this area, versus just saying “future land use is a less dense designation than the current zoning”. He said that there have been other spots that it is obviously clean and clear and there is the stepdown but right here they have a lot of low-density and they have a sprinkling of other things and he thought that those were more of the outlier conversation than the vision that he sees for section 6 of the Township.

Planner Arroyo said that this is an area that they would think of as being much more rural and open.

Chairman Reynolds said versus catching it up to speed with current zoning they are maintaining the vision here to say yes there are some exceptions but overall, this is a lower density area.

Secretary St. Henry thought that their vision is to not encourage and make it easier for higher density developments.

Chairman Reynolds thought that these were their outliers. He said that in section 5, he thought it was good to go through this, the conversation of Future Land Use versus reality but there is also maintaining that vision.

Secretary St. Henry stated some of these neighborhoods went in 20-30 years ago, this Township is much different. They could drop a neighborhood somewhere in one of these Suburban Estates (SE) areas and they wouldn’t even know but they are at a point now that it is important to maintain some of those outlying areas just for the character of the community.

Chairman Reynolds stated that on #6 that gas station that (PUD) that is there does serve a valid purpose for that intersection and that area. There aren’t many amenities around there and maybe it is appropriate to maintain that but maybe there is a way to look at some of these thoroughfares and intersections to say maybe it is not the hamlet idea but maybe it is just a very low-density designation of community support. You can get gas and some basic groceries but if you need everything you go to the main thoroughfare. He felt that supported the walkable and 15-minute neighborhood concept too. All of those neighborhoods that are in there where do they go, can they get to a park. When you go miles without something there maybe needs a little bit of a community corner or a hamlet concept.
Commissioner Walker said he didn't know when the original gas station was built but he thought it had been there a long time before they remodeled it. There is nothing on any road around that Indianwood/Baldwin Rd. intersection except that gas station. He thought if he lived near there, he would want that to stay. Not necessarily grow any bigger but for what it is like groceries and things of that nature.

Chairman Reynolds said something that is fitting to a Suburban Farm (SF) low-density residential designation to provide some of those community amenities that people are looking for. Yes, you are agreeing that everyone has an acre lot so they might have to go a few acres more to get to something but, nonetheless, there are those opportunities.

Secretary St. Henry said that the vast majority of people that live in this part of the Township have no problem driving for serious groceries or other retail.

Planner Arroyo went on to Section 7. He said here they have a single-family low-density area zoned (R-1) that could be changed to single-family medium-high to match the existing zoning or they could treat as an outlier, however, in this particular instance they can see that that area goes east if they look in the upper-righthand corner, that single-family the area in red is called single-family potentially high-density which has got the (SR) zoning, that zoning continues on in a larger block in Section 8. That might be an area that they consider making the Future Land Use change because it seems to be a larger pattern of zoning and development.

Chairman Reynolds asked if that was medium-high because of the lot size or because of the density?

Planner Arroyo replied it is medium-high because of what the underlying zoning is now. That zoning would align with the single-family medium-high Future Land Use category that is why the suggestion is being made.

Chairman Reynolds said that technically on that property there is a lot of guaranteed open space, he asked isn’t there in that development? Planner Arroyo replied it looks like it.

Chairman Reynolds said that even though the lot size is smaller it is just a common space. He wondered if it is not technically still medium-low? Planner Arroyo replied that the overall density should still match what the zoning is, he assumed it was developed at that level, so even though there is open space the density would be consistent with the zoning.

Planning & Zoning Director Girling felt that it was a (PUD) but before they used to physically rezone it to a (PUD), so they could have agreed, it was an older (PUD).

Planner Arroyo said that one other observation that would support that higher density classification too is it is basically just north of the Friendship/Hamlet area which is right at the very southern portion of this, they could see in area #1 that is part of that hamlet area. So, trying to support some more and acknowledging more density is not probably the worst thing in the world.

Chairman Reynolds asked to flip to #8. Planner Arroyo said they can see that the pattern continues they have zoning that reflects a higher classification than the Master Plan and it is all developed or somewhat developed.

Secretary St. Henry asked where section #8 was? Planner Arroyo replied Friendship Park is right at the very western edge of it. Clarkston Rd. and Baldwin Rd. it the lower left-hand corner
of the screen. Secretary St. Henry thought that they shouldn’t be encouraging denser developments moving forward anywhere in the Township. He said across the street they have Heather Lake Estates. They should be cognizing of that and how that is laid out as much as anywhere.

Vice-Chairman Gross said the property to the north of that should be the same as medium-low.

Secretary St. Henry said they already have the development on the other side of that intersection it supports the hamlet in the corner there. Moving forward they should not encourage higher density development especially in outlying areas of the Township.

Chairman Reynolds said his opinion of #7 is to leave it low in the areas of yellow. He said what about the (R-2) that is currently designated as medium-low, truly speaking (R-2) is high. He added so what they are saying is keeping the upper left-hand corner of Section 8 medium-low. He asked what do they feel about the (R-2) area?

Commissioner Brackon said this was on the north end of Clarkston. He asked how is that currently medium-high? Planner Arroyo said because the underlying zoning is (R-2) and the density of the (R-2) zoning aligns with the medium-high density classification on the land use map. Commission Brackon asked if they didn’t want that and wanted to keep it low how would they change it? Planner Arroyo replied they would keep it as it is currently planned which is medium-low but that is not consistent with the way it is zoned. He added if they wanted to maintain something of a lower density than what the current zoning is they would maintain what the current designation is on the Future Land Use Map which is single-family medium-low density.

Chairman Reynolds asked if they could go to #9. Planner Arroyo said in this case they have an area that is surrounded by the red that once again suggests that it should be single-family medium-high based on the underlying zoning. Secretary St. Henry said they keep referring to the underlying zoning. He asked when was that underlying zoning established? He said if they acknowledge the fact that perhaps in the recent past that they didn’t take a close enough look at some of the zoning issues as it relates to the updates to the Master Plan. At some point and time, this is the underlying zoning that was agreed upon by the Township but times have changed, that may have worked 20 or even 10 years ago but today he was not convinced that the underlying zoning should be what it is. This is their opportunity to make these zoning changes.

Vice-Chairman Gross said not to make the zoning changes necessarily but at least reflect it on the Master Plan how they envision future development. Secretary St. Henry said yes maybe that is what he was getting at, that may have been the vision 10-20 years ago as this area was the next great booming area, that is not what they think they desire anymore, and this is the chance to make those type of changes to set this up for the next 5-20 years just like they did back then.

Vice-Chairman Gross said he didn’t think that the Master Plan or the Future Land Use Map has to reflect what the underlying zoning is, it should be what they would envision when a future development is going to come in and what they would like to see it look like.

Planner Arroyo said that one observation that he would make is that can work in many areas but if they look at that (R-3) area on the east side those lots are already there and they are at a higher density and if they continue to plan it for low density it is pretty unlikely that someone is going to go in there and assemble lots and develop at a lower density. He said sometimes they have a sprinkling of different lot sizes and they still have some larger lots and they can suggest
that they want to keep a lower density even though there might be some outlying small lots, and he thought that they could say, yes, that is a possibility. Once you are in an area where lots are all pretty much developed at that higher density, is it practical if they are ever going to see anything of a lower density in that area if there is a house on every lot and all of those lots are split.

Chairman Reynolds said that he looks at it from a planning standpoint of transition. This is a little more of a struggle because they have some sprinklings of higher density and he thought they were all envisioning this as sprawling estates. He said if they go back to #8, he would agree with the sense of even though those are (R-2) they can see a lot of those parcels, in general, are larger. Here he would support it being low density even recognizing the current zoning of that. He thought that they wanted to maintain those larger lots. He asked what the road was that has the rows of (R-2) alongside it? Even though those lots are smaller, and it goes back to there is a zoning designation and there is the vision for that area. He thought that there were envisioning that similar concept that they are set back from the street, it is not recognizing it really as an (R-2) use but rather some smaller lots or some micro-lots within suburban. Now as they move forward with #9, he would agree with catching some of these up to speed but they are also along a secondary corridor of Joslyn versus venturing west on Clarkston which is significantly more rural.

Secretary St. Henry said that they can’t be surprised that there is high density around the lakes, those lots have been there forever. That is why that was developed that way.

Planner Arroyo said that one option might be to just designate the single-family medium-high where the (R-3) is and leave the rest at the low.

Chairman Reynolds said or leave along Joslyn Rd., just how they envision some of these corridors. Joslyn Rd. is a different density to him than Clarkston Rd. rolling west of Joslyn. He would support recognizing the medium density to the west of Joslyn and recognize the medium-high east of Joslyn because that is what is existing but this outlier that they want to maintain that as a residential road, not a primary corridor where they are promoting density. He thought there were those couple of segments that are “outliers”. As they move further east to M24 he thought that recognizing the density was appropriate.

Planner Arroyo asked east of Joslyn to do the medium-high and keep the rest at medium-low? Down at the southwest quadrant there keep that all medium-low? Chairman Reynolds said correct. Planner Arroyo said then they have single-family medium density above. He asked if they wanted that to go to medium-high directly north? Commissioner Brackon asked if those were existing lots that have split already? Planner Arroyo replied yes and developed. Chairman Reynolds asked isn’t medium appropriate, isn’t that recognizing the current zoning? Planner Arroyo said medium-high recognizing the current zoning they are not medium. Chairman Reynolds asked where it says (SF) medium density what would that say? Planner Arroyo replied that would say medium-high like the area to the east of it.

Chairman Reynolds said the way he looks at it is that Joslyn Rd. has the density it is not those other thoroughfares, once they step away from Joslyn Rd. it changes. He thought that Clarkston Rd. west of Joslyn merits the low-density.

Secretary St. Henry said regarding the underlying zoning. He asked when the public looks at a development and their issues over zoning, they are looking at the underlying zoning and how it is set up not the Future Land Use Map. It doesn't make any sense to make any adjustments to the underlying zoning so that it is either clearer to the public when a piece of property or are they ok with the fact that the underlying zoning may be much different?
Chairman Reynolds thought he was saying that he wanted to guide the process but that is what the Future Land Use Map is for. Secretary St. Henry said that people first look at the zoning. Chairman Reynolds said that they cannot propose a mass rezone that has to be a property owner. He added that the underlying zoning is what it is zoned. They can’t say sorry you are now (R-3) or (SE) but they can say from a Master Plan vision they could say that they don’t envision it being high density even if it is currently high density.

Vice-Chairman Gross said what they don’t want to be confronted with is showing something on the Master Plan that says its single-family high-density when it is zoned low-density. Then a developer comes in and says but your Master Plan says I can put high-density in, then they are caught between a rock and a hard place because they are reflecting on the Master Plan as being high-density.

Chairman Reynolds says they always say that they can’t set a president or (PUD) is different but at the same time it is looked at. He thought that when they look at some of these areas right now are going parcel by parcel but what about a corridor what about an area that they are going to promote some density because they are have thought about when and where they don’t want it. So, then someone can’t just come in and railroad them into a (PUD) and they say they did it way over there. Then they can say that they have tastefully looked at these corridors and they don’t want the density here. Secretary St. Henry agreed. Chairman Reynolds said that is why when they are looking at some of these outlying sections they are saying “no” they don’t want to catch it up to the zoning and then there are other areas where they look at some of these sections where the Future Land Use map is kind of out of date. So, then when they get a (PUD) someone that bundled up a bunch of parcels they say, well sorry you just told me no but how are you going to argue otherwise.

Secretary St. Henry said that Vice-Chairman Gross made a good point about when a developer comes in and looks at the disparities between the zoning and the future land use. He added that it seemed that they come into a lot of issues where the public perception of a piece of property and what it is zoned and when the developers come in are 180 degrees different and they try to find some middle ground. Maybe there are no options. They don’t know who set this zoning up, to begin with, but they can’t adjust the zoning every 5-years or take a close look at how did that happen to begin with. Some pieces of property in the Township are zoned, they may have been zoned appropriately before but it doesn’t make sense now. So, how do they make those changes for the future? Or if they can’t do that, ok.

Chairman Reynolds said the answer is the Master Plan, just for the sake of having the vision, this is the guidelines of what they want to see. It is hard to combine lots but if they in their vision say that they don’t want density out there then they are kind of grandfathered in they are not going to roll to a denser format. He added that when someone comes in and says, hey it aligns or it doesn’t align with our future land use when they have a rezone that gives them some grounds to go on to say, no go, or go. They can’t control every little piece but they can layout the guidebook to say here is what they want to see. There might be those outliers from time to time. With corridors and areas, maybe it is not section 7 versus 8 but rather the region. He knew that they were going to probably look at that with other layers.

Chairman Reynolds asked Planner Arroyo how do they say they are going down the wrong path, how do they regroup and go somewhere else? Planner Arroyo said he thought in this section they are going to have the medium-high on the east side closer to the corridor and then maintain that lower density there to the southwest. They are going to be pressed with people wanting to make changes all the way along. That is why he thought it was helpful to have taken the time to go through and study this because they will remember that they had some of these
discussions when they get a proposal for zoning that is not consistent with the Master Plan. He thought that will help them in coming to their recommendation by going through this process and understanding why they did it and how they looked at these relationships between parcels, patterns, and what is happening.

Commissioner Walker said from a future negotiation point-of-view with the developers, he asked if they would be better off by having it as less dense as they can now. That would give them bargaining chips or a way to mediate those disputes if they were to occur further down the road. Planner Arroyo thought that they were better off identifying a practical density that reflects their vision that is defensible and saying this is our vision and they are not going to budge from that. They may allow for creativity in the way like having some lots be smaller in exchange for open space but the density is still the same, and they are going to allow for that creativity but overall, this is our plan and they brought it through and they are generally going to stick with it because that is really what their vision is. He thought that if they showed that consistency and start to act that way and when the proposal comes in and everyone says “hey, they are really not going to budge they are sticking to their plan”, then they will see less of these. When the word on the development street is that they can come in and propose something that is radically denser then as long as they do X, Y, & Z, they will let them have it then they will see more of those too. They can control some of that by the decision-making process and making sure that the decision-making process is founded in the Master Plan that their Master Plan is solid. He thought that was one of the key reasons why the Township wanted to go through this type of process is to really study it so they can feel much more comfortable with the plan when they see these future suggestions for change.

Secretary St. Henry asked what was the word on the street for the last several years amongst developers and planners as it relates to opportunities in Orion Township? Planner Arroyo thought that there was a feeling that the way to gets things done is to propose a (PUD) that is the sense that he got in Orion Township. If they are looking to do something that is greater density than what the Master Plan suggests then they come up with a (PUD) and they come up with some type of plan that the Township can except and they might get what they want. Secretary St. Henry said if the Township doesn’t accept it then they will just go ahead and take it to court. Planner Arroyo said that they can always do that but here is what they want to have happen, is once this plan is in place and people come before them and ask for changes and if they are making those solid decisions that are founded in the Master Plan then when someone takes them to court they are going to go to the judge and they are going to say ok they had someone ask for zoning A, B, C, & D, this is what they did, this is how it relates to the Master Plan, they implemented the Master Plan the judge is going to say, hey, they did this Master Plan update they believe in it they are making decisions based on it. If they are not following then they are more likely to have a judge say, wait a minute they are not following the Master Plan anyway, and grant what they are looking for. That has happened in other communities that have been challenged, a judge will look at their pattern of what they have done in other cases.

Chairman Reynolds said if Planner Arroyo’s recommendation is to align, he asked what are some of the other important factors that they want to maintain. Are there limitations, he didn’t want to get complicated and start proposing overlays, is there a corridor vision that they have for certain areas versus others? It doesn’t really matter what “the density is” as long as that is somewhat maintained or those other features are provided in lieu of. He thought there were a couple of areas where it is complicated, they got both, and then they have kind of outliers in both directions so what are they going to support moving forward, one or the other, or recognize it is there, or just stick our heals in the ground and say they are going to stick with low and that is what they see for a vision. Is there some sort of middle ground, a transitional district, or a way to recognize that it is medium-high density but it is a different kind of medium-high than a subdivision? Planner Arroyo replied that he thought that some of these corridors they have
talked about it particularly in this section of the Township where they might want to encourage that open space style development so that the actual homes could be pulled away from the roadway and preserve the corridor. He thought that some of that language could reflect in the Master Plan and have that as an implementation strategy.

Planner Arroyo moved on to Section 10. He said another area with some (R-2) zoning and they go single-family medium. This is a little different they have a much more established pattern of development in this medium density area really should be medium-high to reflect that. Chairman Reynold agreed.

Planner Arroyo went on to Section 11. He noted that they have talked about how the General Business doesn’t really support the Restrict Business zoning but they wanted to expand that description anyway, so that is something they will do when they bring that back to them.

Planner Arroyo moved on to Section 12. He said that they do have the single-family medium-density that really should be high to reflect the (R-1). Single-family medium-low in that one area. Then they have one parcel that is zoned (OP).

Chairman Reynolds suggested doing section 12 under their agenda item under their regular meeting.

5. ADJOURNMENT
Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, to adjourn the meeting at 6:54 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion
Planning Commission Approval Date
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, September 15, 2021, at 7:00 pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:
Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

Don Walker, PC Rep to ZBA
Kim Urbanowski, BOT Rep to PC
Derek Brackon, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None.

1. OPEN MEETING
Chairman Reynolds opened the meeting at 7:00 pm.

2. ROLL CALL

As noted

CONSULTANTS PRESENT:
Rodney Arroyo, (Township Planner) of Giffels Webster
Matt Wojciechowski, (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) of Orchard, Hiltz, and Mc Clement, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Jeff Klatt  Jeff Schmitz
Bill Schmitz  Ashley Hackman
Allen Eizember  Tom Beauchamp
Dave Murphy  Tom Roth

3. MINUTES
A. 09-01-21, Planning Commission Regular Meeting Minutes
B. 09-01-21, Planning Commission Public Hearing Minutes, PC-2021-63, Meijer SLU

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, to approve both sets of minutes, as submitted. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

7. NEW BUSINESS

Chairman Reynolds asked if the applicant was present?

Mr. Jeff Klatt with Kreger Klatt Architects, 2120 E. 11 Mile Rd., Royal Oak, presented.
Mr. Klatt said he was also there with the developer and owner Jeff Schmitz, and Bill Schmitz as well. He noted that they also own Tommy’s Car Wash which is on the same parcel as the one in question tonight. He stated that they have a brief architectural presentation that they will present. They are also aware that they have not received full approval from the various site plan, comments that they received, and they will address that in their presentation tonight. They are still seeking their approval with a caveat that they will work administratively with the Planning Department, as well, as their consultants to address these items administratively.

Mr. Klatt noted that there were a handful of items that were mentioned in the Giffels Webster letter, he believed that there were five items that were mentioned, that they are looking to gain their approval tonight as well, which they will address in their presentation.

Mr. Klatt said that Planning & Zoning Director Girling and her staff have been very helpful throughout the process, and appreciated their guidance. He said they had a great pre-application meeting which was helpful for their team as well. He thought that the misunderstanding happened because they thought it was a two-part submittal with the heavy engineering taking place at the permit level versus the Planning Commission level.

Mr. Klatt pulled up the presentation for the Commissioners. He stated that the highlighted areas is the property in question, as they are aware this is near the NW corner of Joslyn and Brown Rd. They are adjacent to the Bank of America building as well as Tommy’s Car Wash. The proposed site is about 1.3 acres on the west side near Tommy’s Car Wash. The original plan for Tommy’s Car Wash did suggest a design for the adjacent parcel. It indicated about a 5,000-sq. ft. retail building with the same general and maneuvering lanes that were laid out on the site. The only modification to their plan, the parking is the same, maneuvering lanes are the same, the building footprint decreased a bit, they are about 4,300-sq. ft. as compared to 5,000-sq. ft. In some of the photographs many of the site improvements have been made, there is landscaping in the front right-of-way, site lighting is already in place, a lot of the infrastructure is already in place, a lot of the catch basins are there, some of the landscaping islands are in place as well. The retail use is appropriate in this zoning district. He showed them some of the existing photos, many were shot that day. He said that they could see some of those improvements that he had mentioned, there is the maneuvering lane up the middle, which will be shared for the two uses. They can see the vegetation of the landscape that is already in the front setback. He showed them an existing view to the west looking at the existing sidewalk and some of that landscape that is already in place, and they could see the site lighting. He showed them a picture of one of the curb islands that were already in place.

Mr. Klatt showed the commissioner’s the proposed site plan. He stated that they have made some of the adjustments, they have not submitted formally yet but they had already addressed some of the comments that were in the Giffels Webster write-up. So, #1 this is the actual parcel in question the 1.3-acres highlighted in the yellow, and Tommy’s Car Wash is on the right-hand side. #2 suggests that maneuvering lane which is the blue line up the middle, which will provide access to the Tommy’s Car Wash site, as well as, the Mattress Firm, and that runs right up the center of the site with one access point to Brown Rd. #3 is the proposed building in the darker shade of gray, and #4 is the existing Tommy’s Car Wash Building. #5 is the proposed parking for the Mattress Firm site. They are proposing 56 parking spaces and thought they were over by 36. As they will indicate in the presentation this is a shared site so they thought that the park can be useful for both uses on the site so they are requesting to keep that. #6 is the loading zone; #7 is their new trash area. #8 one important feature, they placed the building here to maintain a consistent building setback, to match the line of the Tommy’s Car Wash building that is in place.
Mr. Klatt showed them the floor plan of the Mattress Firm. The upper right-hand corner is the portion of the building that will face the road, a lot of corner glass a pretty simple layout, 4,300-sq. ft. mostly open space for Mattress Firm. The exterior design is fairly contemporary in nature which is really a playoff the Tommy’s aesthetic, straight lines, fairly straightforward, contemporary appearance, one story in height, high-end materials, modular brick with some soldier course accents. They are using a high-quality metal siding which is Longboard replicates wood but of course low-maintenance. They also have some other decorative metals on the buildings for accents. A lot of glazing, which meets the ordinance requirements, was one comment that they adjusted. They had to meet the 60% requirement on Brown Rd., which they did, and there is a canopy as well too.

Mr. Klatt showed them some other views of the building.

Mr. Klatt said in regards to the site plan review letters, one from the WRC, there were no comments that they had to address. They received one from the Fire Department that was approved with no comments. They did receive a letter with various comments from Giffels Webster and they are confident that they can address the majority of them. There are five items that they do need their approval on. From OHM they had nine total comments, and their Tri-County Engineering is confident that they can address all of those requirements. He added that they needed a survey to complete the grading plan, the survey was completed this week, so he is actively working on the grading plan, and they are asking to work administratively with the engineering department on that.

Mr. Klatt said in the Giffels Webster letter there were five waivers that they needed from the Planning Commission. #1 is the setback waiver for deficient building setback along the west side. He thought that there was a 10% discrepancy they meet that. The ordinance is 20-ft. they have a 16-ft. setback and thought that they were in the ground for approval. #2 is a setback waiver for deficient parking setback along the west property line. They feel they need the parking due to the various uses on the site. They have a landscape buffer on the east side of the site, they are simply proposing to match that on the west side for consistency. #3 is the parking in front of the building. They are holding a consistent building line across the front they feel it is beneficial for the customers to have parking close to the building. Paving wraps around the front of the building, and they are holding a consistent landscape frontage in that area which is consistent with Tommy’s and some of the photos that he showed them earlier so they would keep that parking.

Mr. Klatt stated that #4 the property will be split into two lots, and he believed that was the case, they are requesting to split the property. This has to deal with the deficient parking setback, from his understanding, if they split the lot, they may have a setback issue because they are tight to the lot line in each case, but felt it would be awkward to have an internal landscape island up the middle of the site since these are shared uses. #5 is to be an ancillary use permitted prior to a primary use. Those are the five items that they are seeking their approval for this evening.

Mr. Klatt said that a handful of other items suggested land banking some of the parking but they really want to keep the parking as they feel it is great for the shared uses on the site. He added that the front yard greenbelt that has to do with the parking that they have in the front. They feel that they are consistent with what is already in place for Tommy’s, it is attractive and it works, and it helps to shield the view. The last comment is in regard to the drive aisles, they are in excess of 22-ft. which is the minimum standard. During the pre-application the Fire Marshal actually liked the fact that they had wider drives, so they are requesting to keep the drive aisles a bit wider than they have shown here.
Planner Arroyo read through his review date stamped September 8, 2021.

Engineer Landis read through his review date stamped September 9, 2021.

Chairman Reynolds stated that they had the Fire Marshal’s review of the plan and had no additional comments. They also had the Public Service Director that had no issues or further comments at this point and time. There was a site walk completed by the Site Walk Committee. The RCOC had no preliminary comments at this time. WRC had no comments since there was not any storm proposed on the site or on the plans.

Commissioner Brackon asked if they reduce the aisle widths will that get rid of the need for the side yard setback? Planner Arroyo replied yes.

Commissioner Brackon asked what the purpose of the wider aisles?

Mr. Jeff Schmitz at 155 Romeo Rd., Rochester, MI. He is the developer and owner of the site.

Mr. Schmitz said he didn’t know if any of them have been to their new Tommy’s Car Wash site that is open. They are at 22-ft., it is the Township’s minimum requirement, they are at 28-ft., they are talking 6-ft. Those vacuums are busy all the time, the more space the better, they want to keep that buffer, drive aisle, separated. There is a lot of people that walk around their cars, they don’t want the minimum. They are looking at their own personal liability and safety, they are talking about 6-ft., that is for safety. They have a mom and her two kids, she is vacuuming the kid’s run around the outside, and the back of the car.

Mr. Schmitz stated that when he first brought the Tommy’s concept to them there were three houses that were on those three different parcels. Those three houses were in terrible shape, he bought two of them. He came before them, with his Tommy’s presentation, and in good faith, as a developer the Township said that he had to buy the third house because no one would ever do anything with that third house, it would stay there forever. He said, “okay, I will buy that third house”. That third house was $250,000, he has two kids in college, $250,000 is a ton of money. It was under a handshake that he would buy that house and they would make a small development that fit the community there. Such a small facility they had to put in all the infrastructure for that little facility without harming Tommy’s that is already open, and he thought it was a great development. They put in the underground detention system, so all of the stormwater management, storm sewers, catch basins, and the height of the curbs are all there. He respected the Engineer’s saying they don’t have a grading plan but they are just matching what they have there. They will put that on their construction drawings or for permitting they are just matching. They didn’t think that this was going to be super difficult and tedious to get through. To answer the question, yeah, the 22 versus the 28, he personally told his architect he wanted to keep those aisles as wide as possible for exactly what he is saying. If he has a mom and two little kids are running around the outside as she is vacuuming, he wants that space, it is common sense.

Commissioner Brackon asked why does he want the front parking? Mr. Schmitz replied that he thought that the front parking fits there because those curbs were already there, it was already designed in the first plan, it was already approved that way. He asked if he should go and rip out all of those curbs and start over and start with new grades, and new catch basin elevations? He thought the front parking matches, they follow that line. He asked what do they do with that, make it a front yard for grass? It doesn’t fit the retail motel. They are just trying to use some common sense in what their approach is to develop that site. They are not asking for something that is totally crazy.
Commissioner Brackon said what he heard was that the site plan requires A-Z, and they submitted 16 of the 26 requirements that the site plan requires. He was trying to figure out if they know it is A-Z, why turn it in not finished? Mr. Schmitz said that when they are talking about a cut section of a dumpster enclosure, it is a standard detail that is a permitting issue.

Commissioner Brackon asked if there was a legal description? Mr. Schmitz replied that he has the legal description, they actually have the easement it is all ready to go and fill out. He asked why they would spend the money to pay for the easements to change their financing package today, they are just asking for a site plan. Technically a site plan is, do they like the building, does the parking work, does the landscaping work, that is a site plan.

Commissioner Brackon said he thought that was a simplistic view of what OHM said and what they and the Township are requiring. Mr. Schmitz asked, is it? Commissioner Brackon replied in his opinion yes. Commissioner Brackon asked what the purpose of the parking numbers being so far in excess of the minimum, the 36 extra spaces, what is the thinking behind wanting those extra spaces, as opposed to land banking? Mr. Schmitz replied that the site plan originally for Tommy’s has all the catch basins and utilities there for it, it was approved from the original inception. They (the Commissioner's) asked him to buy that property. He didn’t want to buy that property. Not only did he buy that property but he put all the improvements to that property. He is trying to understand what is really different than the original design concept that they gave them, other than they didn’t show a building on there they showed a dotted line of 5,000-sq. ft.

Commissioner Brackon said his question was what is the purpose of the extra spaces versus land banking? Mr. Schmitz said it was there from the original approval. Commissioner Brackon asked what are they going to be used for? Mr. Schmitz said for a lousy 4,000-sq. ft. they want him to start ripping up storm sewer catch basins?

Chairman Reynolds said they were not there to debate. He said he would like to not have this back and forth. They are there as a Planning Commission to go down a checklist. Even their personal opinions aside they are there to check those off. He said some of these comments are getting lost in a debate that they are looking for factual information. Their ordinance, for example, requires parking based on retail square footage, they are asking for a significant amount of parking spaces beyond that. It is not uncommon for them to grant that but they normally see a, not just a we want it, but they have X number of employees there is a model behind this Mattress store itself that there is more retail traffic, they have heard nothing factual supporting that yet. He would like to keep it to the facts and put the emotion aside if they could. He understood where they were coming from as a developer and the history of this parcel, and many of these people sitting here are not aware of all of those, and he appreciated them bringing that to the counter but at the same time that is not what they are there to debate.

Mr. Schmitz stated that the Mattress Firm has very few employees maybe two, maybe they see 10 customers per day.

Chairman Reynolds said where they are getting after with some of these, there is a need for additional parking spaces if he was understanding him. Is that because of the parking for employees for the car wash? He wanted to have this as a guided discussion. Mr. Schmitz said there is not a need for those parking spaces, his disappointment is, is that under their original design concept, so let’s assume that he wasn’t buying and creating a separate parcel for myself even though he owns the Tommy’s and creating a separate entity. They probably wouldn’t be having this discussion because all of those things were already in place based on the original approval, and it was just showing a 5,000-sq. ft. building and they would basically show an elevation and where the water and sewer were coming in. Because of the technicalities of having to form a new entity because they keep every new piece of real estate under a new
entity, they are having to go through that whole gambit again. He was really hoping that they
didn’t have to do that, he is asking for a site plan approval, he would like their approval tonight,
he likes the drive aisle, he likes the parking in the front, it just matches the whole property. The
whole landscape image is like a horseshoe, they just mirror each other. He thought the drive
aisle was important, safety is really important. If they went out there on a sunny day after a rain
the day before, they will know exactly what he is talking about. They will see moms and kids,
dads and kids, and they are all playing around those cars, he thought it was important as far as
that setback. He added that as far as the land banking, he would really hate to have to tear that
out, all that work that he has already put in.

Secretary St. Henry said in terms of the 28-ft. aisle the applicant provided what he thought was
a rational explanation for that, he said other car washes around town, some have plenty of room
for that reason, others don’t have enough and you wonder if you are going to get clipped. He
was comfortable with that because when he did the site walk, he saw that the vacuums were
right there on the side, it makes sense. In terms of the front parking, it is a retail establishment,
people are going to want to see cars in the parking lot. He thought that if they just left that open
something wouldn’t look quite right with the overall development. He said that parking in the
back, he was curious what the spaces are but it is true they approved this site plan a year or two
ago and the parking was in the back, the building was a little bigger, they didn’t know at the time
what it would be if it was a restaurant he didn’t know if they would even question the extra
parking in the back. If they take the applicant’s word that it is needed, if it is going to be needed
for the car wash perhaps employees or whoever, that footprint it there. They are all curious
about the extra space but in his opinion, it is not a dealbreaker. The setbacks on the side,
closing the aisleway a little bit it would adjust the setback on the westside but the need for the
space is a rational need for an additional 6-ft. which means a lot when they got cars coming
through there. He added that perhaps there are other ways to slow cars down if there is a real
concern about the speed going straightaway to the back of the piece of property. It is a
challenging piece of property, when he did the site walk, it is not very wide, and he has a better
feel for what he wants to do now. Overall, he is comfortable with it, assuming that he meets the
other five requirements that were outlined by the Planner that any additional issue with OHM
can be addressed.

Vice-Chairman Gross said that he spent some time looking at the site plan, and he has a
concern as to why a requirement to waive the side yard setback for the building is required, a 4
or 5-ft. variance that is being requested. It is a block warehouse building and there is no reason
why either the building could be setback an additional 4-ft. and if the square-footage is
necessary it be expanded to the north because there is lots of room to the north that it could be
expanded to accommodate the square footage of the building. He found it hard to justify a
waiver of 4-ft. setback for the building.

Vice-Chairman Gross said that he also looked at the front parking, he could see the pluses of
that but he was looking at the traffic conflict between that drive and the exiting drive from the car
wash and the conflict it creates at that intersection right at Brown Rd., and just north of that
where everything comes together. He added that the driveway widths, again, taking a couple of
feet off of a 37-ft. wide driveway and adding that to the landscaping he thought that it is an
acknowledgment of the fact that there is landscaping required along that west property line. He
didn’t see what the monument sign was going to look like, although it does have to be moved
out of the sanitary easement. He thought it would be helpful to see what it looks like and where
it is going to be. Mr. Schmitz stated that there will be no monument sign.

Vice-Chairman Gross said that the parking in the front if there were an entrance at the front it
would make a lot more sense to have parking in the front. Anyone that parks there has to park
has to walk around the side of the building to get into the building.
Chairman Reynolds said that they are always looking to be workable with developers and understand that it is a lot of money and a large endeavor to embark on this journey. There is a lot of open comments some very small in nature but in his perspective, there are some things to be addressed. Before hearing the discussion of the car wash and the vacuums he did the same math of, they are asking for a 4-ft. waiver on the setback which if they went back to even an increased aisle width across the board, they would still be greater than their minimums, they would still be at 23-ft. 3.5-inches. They would also be at 25-ft. 10-inches at the rear, so there is definitely some opportunity and flexibility there. The same thing goes for the parking setback that they have right now, it is a 27-ft. 6-inch drive aisle but they are also asking for a setback from that. Parking he could understand if there are calculations or discussion to support that, that between the joint properties looking at the parking together that it is needed, he as fine with having the additional parking being proposed. Their comment in the past was just to avoid the seas of parking lots that they see in shopping malls. From a visual standpoint, he didn’t have a strong opinion about the parking in the front except for the conflicts if they are really going to talk about flow through the site, minimal accesses, or minimal opportunities of changes in direction. He added that there were a few things just for them on Brown Rd., if there is parking is it going to be screened? Was that something they were willing to add? He was fine with this property as a whole being ancillary use before the primary because it is occurring the way they want it to be from a development perspective. He stated that he was struggling with some of these setback waivers just from a sense of they could be avoided in some way. Could they stretch the building in a different direction? Is that not an opportunity then so be it but it is obviously something how they are looking at it saying, well why couldn’t you take 4-ft. off and make the building a little deeper, one way or the other, especially since they are in excess of parking, would they miss one less parking spot if all of that shifted to the north?

Chairman Reynolds said that some of the stuff is low-laying fruit but it is their standard for Site Plan approval. Even if it is a $100,000 project or $50,000 project, himself, personally, and professionally have been through the process and have been held to the same standard. It is a pain sometimes but it is what they ask of everyone. It doesn’t matter if it is 10-million or 100-thousand, it is their standard for Site Plan.

Secretary St. Henry asked Vice-Chairman Gross’s to describe again his thinking on moving the building, he asked him to repeat that. Vice-Chairman Gross stated that if the size of the building is important then taking 4-ft. off of the west side of the building and adding it to the north side of the building can generate the same amount of square footage. If the square footage isn’t that important, the reduction of 4-ft. of the building, would still accommodate the 20-ft. setback for the west side yard.

Mr. Schmitz said that they would be in breach of their potential lease with Mattress Firm, they need some many feet of front area building, and they are already at their minimum. He stated that they looked at those options but he thought what was first and foremost was protecting their Tommy’s asset, and when it come to the drive aisles it was super important.

Trustee Urbanowski stated they have an access of parking, which is already there. She asked if the parking on the side have to be there? She was fine with leaving it upfront but that side parking if that was eliminated then the whole building would fit. They are not losing parking because they have a lot.

Mr. Schmitz said that this is a retail center, he has developed 30 Rite Aids in his lifetime, they require that parking all the way around. He stated that he can’t get out of it. That was the reason why he was so reluctant to do the Tommy’s deal because he was forced to buy all three houses because he knew this was going to be an issue. He knew from a retail standpoint this
would be an issue. If they put in a restaurant, they looked at several different restaurant chains with this drive-thru, none of those really fit. When they look at retail, they insist on that parking whether it is a Rite-Aid or a Chick-fil-A, it just doesn’t work, and that was his hesitancy in spending all the money and the detention system early on because let's face it how do they put a detention system on a one-acre parcel like that that is so long and narrow. They went ahead and he put in the detention system for both lots knowing that this was going to be a very dramatic and difficult project. He was sure they had the tapes of the last Planning Commission meeting where they shot him down on the Tommy’s where they required them to buy the third house, and he said he didn’t know how to make that work. There was nothing they could do with this. Finally, after 1.5-years of working trying to get something viable here, as they can sense his frustration when they look at the landscaping plan in front of them, that is the landscape plan that was approved. Now they are talking about screen walls in the front, and things like that, he spent so much money on a little house because everyone knew that he had to have it. He noted that he was really flexible, he can get all the engineering and satisfy the engineer requirements, he was looking for a Site Plan approval. He was highly concerned about making that drive aisle smaller. Secretary St. Henry saw it himself, there is a lot of foot traffic around those cars, he is asking for 6-ft. He was told that the side yard setback issue would not be a problem, that the Planning Commission would work with him. When they look at 6-ft. it is not that great.

Chairman Reynolds asked about the aisle width behind the building that is 27-ft. in width, does that need to be 27-ft. in width which is prompting the setback waiver for the additional parking? He said the setback of #2 right now that is governing that buffer, right now it is 27-ft. 6-inches in width. Mr. Schmitz said that they were willing to do that.

Chairman Reynolds said from his perspective, they have a project that comes in and they have a list of not 2 things, they have 25 things, they usually don’t appear. They have 5 waivers and there is no push and pull on any of them, and there is no support for some of it either. There has been some discussion here that has come out, arguing life safety, they have a drive aisle at the rear that 31-ft. 10-inches currently for the vacuums, and then at the front they have it and it is 27-ft. 3.5-inches, so both of those are significantly larger specifically the rear one is almost 10-ft. larger. There is not a consistent argument here between some of these. Then when they talk about some of these setbacks, and they say, ok it is narrow they have seen this on Brown Rd., and there are some of these instances including Tommy’s where they said there is narrower side yard greenbelt or setback but then they are asking it for across the board and they are deviating from the ordinance not only on the front, but side, rear, and the islands, and all of it. From their perspective, it is asking for a lot. There is not really a supporting factor across the board that says this is why they did it, they have 20-employees rotating every hour with Tommy’s Car Wash that supports 20 additional parking spots. They already have the infrastructure in there and there could be peak demand hours of the mattress store that support that. If they are asking for a parking calculation waiver, they ask that across the board with any project. That is some of the struggles that he knows himself, plus other Planning Commissioners are having here tonight, is that there is not a push and pull but there are areas where they are saying it is important for the car wash vacuums but what about the other areas. He gets it that maybe a 20-ft. setback is not possible but right now they are talking minimal to none, and they are also promoting an aisle width that is significantly larger than they typically hold as a standard for the Township. Mr. Schmitz asked how many parking spaces were they over? Chairman Reynolds replied 36. Mr. Schmitz asked if possible, and time is of the essence on this one, it happened fast, it is a project that has to open in June 2022. He was looking for at least a preliminary site plan approval, if he is at 36 spaces over can he say he will reduce it down by 20-spaces and make the purple area landscaping they adjust that in the back, handle that through the engineering process and they compromise. He said that he will rip out all of the catch basins and redo all the catch basins to conform to that.
Vice-Chairman Gross said that if they want to put in an extra 36 spaces from his standpoint, he said he thought that was ok, but why can't they reduce some of the aisle widths by 5-ft. instead of a 10-ft. landscape it's 15-ft., it didn't make sense to him. Mr. Schmitz said that his consultant architect said that they could do that, but he would like not to have to do that where the vacuum are for safety. He said he will adjust those in the back to make them conforming to their ordinances and he would like a recommendation for at least a preliminary site plan approval subject to addressing all the issues from their consulting engineers and go from there.

Mr. Schmitz liked the front parking he did want that approval on the 4-ft. encroachment on the building, only because that is the lease, he said he would provide it if they want it, they have to have so many feet of frontage.

Secretary St. Henry asked how many spaces are they talking in the front? Mr. Klatt replied that there were 19 spaces on the west side and 5 spaces in the front.

Secretary St. Henry asked how many people typically visit this mattress store on a given day? Mr. Schmitz replied that he would say, not including employees, 20. It is not a lot, but the future use is what if the Mattress Firm all go bankrupt, does it become a restaurant, then they need the parking again.

Commissioner Walker said that the representative when he opened up about an hour ago indicated that he wasn’t aware that this could be a two-step process. Does that mean he has never applied for a Site Plan approval before? Mr. Schmitz replied that his architect has his engineering firm because of the way the construction industry is right now, and he thought that their consulting engineers will tell them, they had to move around, they have used Nowak & Fraus Engineers on numerous projects. Their consulting engineer who is not there actually represents a dozen municipalities and he was not under the impression because all of the infrastructure were already there. He assumed that everyone knew that they would match grades, use the same cross-section of asphalt, 3-inches of asphalt, 6-inches of stone, he assumed that they would use the same dumpster section, and water and sewer was already permitted there at the site. Commissioner Walker asked if he remembered his question? Mr. Schmitz replied he did, did he not know that it was not a two-step process? Commissioner Walker said that it could be a two-step process? Mr. Schmitz said that he can’t speak for him.

Commissioner Walker said that one of his pet peeves when it comes to these site plans is when the applicant comes and asks for things. He thinks that sometimes their two consultants are almost too nice to the applicants. Where he says look if you can’t do it now, come back another time after talking, they get a letter from both of their consultants, they explain what they feel their discrepancies are in their application. In spite of that, they are here tonight asking them to grant them a site plan on the if come, assuming that all of the 25 they are going to fix, they will give them the plan, they can go do it but they might come back another couple of times because they didn’t do it. He heard from him today, that he is not willing to do some of those things that they asked for in those reports. They hire them to help them make decisions for the citizens of Orion Township, and he for one, likes to listen to them. He has not heard him refute much of what they said in those reports.

Chairman Reynolds asked Engineer Landis, their general fire lane even at our greatest widths, he knew that there was a couple of different standards that get applied, but what is that aisle width that is typically applied to the site? Engineer Landis replied the standard aisle for two-way traffic is 22-ft. His understanding is that the Fire Marshal requires 26-ft. in the vicinity of fire hydrants, where he is anticipating setting up an aerial appropriates, so 26-ft. would be the max. Mr. Schmitz replied that they are 27-ft.
Trustee Urbanowski said that they haven’t said anything about what would happen with the landscaping knee wall berm if the parking stays in the front. She knew that they have existing plants there, she did see that the idea is that they don’t see that parking very much.

Planner Arroyo said that the previously approved plan showed a 30-inch-high berm across the front of this portion of the property for the car wash. It actually showed a berm going across the front but does not appear that it has been constructed. Secretary St. Henry asked if it was in front of the car wash? Planner Arroyo replied no in front of this property.

Trustee Urbanowski said that there is a lot to be resolved. She stated that she understood the point about the 27-ft. aisle between the vacuums. She was not aware that the parking spaces in the back were already there. Mr. Schmitz said that the grading and the catch basins are there. Chairman Reynolds stated that there was an underwater storm that had been installed. Mr. Schmitz said that the subgrade is there, they could have paved it. Chairman Reynolds stated that there is an asphalt curb right now that splits that side of the property, some of it is primed and ready to go, but it is a pad site. They are strictly talking about modifying infrastructure. There are some curbs, light poles, and a few things that would be modified down the road.

Trustee Urbanowski said that the reason that all of this information that they are asking for to be put into these plans is to avoid something like this in the future. All plans have to have all of these things because 20-years down the line someone pulls the plans for this and it is not on there they are not going to know to go to the Tommy’s Car Wash original plan set, so they have to be on here.

Chairman Reynolds said when a retail establishment is looking for parking, safety is always an important concern, he would still circle back to, if it is about having a comfortable width in their mind that comfortable width is at the front is 27-ft. and then at the rear it’s 31 or almost 32-ft. it is not a consistent argument. Then they move over to an aisle that is not in front of those, those waivers would change if it was reworked. The 27-ft. aisle that is in the parking that is not across from the parking but rather where the #1 is shown that is worsening. There they have 31-ft. 10-inches, at the front they have 27-ft. 3.5-inches, if they go to the west of this, they have 27-ft. 6-inches. All of these endeavors are adding to some of these waivers.

Mr. Schmitz said aren’t those two separate pieces of property, they are two separate owners. Chairman Reynolds said he is just getting after the sake of they are making a waiver worse by having a nonstandard drive aisle width. He would agree with having a larger aisle width here adjacent to a very active parking spot, but why on the west? If they were to come to him and say hey, here it is wider, here is your minimum, here is slightly wider so they can fit a truck through the site, and here is your minimum, and this is the product, that to him is a reasonable waiver. But here they are asking for additional parking, widen drive aisles, all of these pieces and it is adding up to a difficult puzzle to put together. He thought as a whole from a Planning Commission they are usually pretty workable and understandable from life safety issues and reasonable asks when it comes to the function of a property but there are some of these that are not supported by much. In his opinion, there is a long list here and he would like to see some of these things attempted to be worked out before they make an approval. A list of 30 items is a very long list and rarely if not ever do they grant a conditional approval on 30, or even 25. Especially with waivers that are going to push and pull based on some of these discussions here tonight.

Mr. Schmitz asked if anyone on the Planning Commission has an issue with the elevation? Other than the fact that they have addressed the glass issue in the front. He thought it was important to know now before they come back and address the 25 issues. Chairman Reynolds
said that it was an attractive building if the revised elevation meets that requirement or exceeds it, he didn't believe their professional consultants have had a chance to look at it but he welcomes retail establishments like this on Brown Rd., and was happy to see them coming. Mr. Schmitz said he said that because coming back next month he would like to make sure they could address all of the comments and if there was something they didn't like he would like to be able to modify it in the last go around. Chairman Reynolds said that they are happy to be constructive and that is typically what they do as just trying to push projects forward and they are not there to just shoot the thing down for fun.

Secretary St. Henry said when he looked at the original plans and the comments from the Planner, and the Engineer, there are 30 items out there, it was good to hear that some of them have been addressed but there are still plenty of outstanding. His initial reaction was this was going to be postponed just knowing how as a Planning Commission what they think of proposals that have a lot of issues. He thought that a postponement made sense, let's get them addressed, knocked off, and get everybody on the same page, and move forward from there.

Chairman Reynolds said he would like some constructive conversation as it goes to the last 5 items if they could get some feedback. He didn't have any issue with the ancillary use before the primary. The screening for the front parking does anyone disagree that is an ordinance requirement that they would like to see maintained if there were parking to be maintained in the front.

Secretary St. Henry asked did they not require any sort of buffer or wall on the Tommy’s side? Planner Arroyo showed them the concept plan came forward and there is a 30-inch-high berm with 1:3 side slopes along the entire frontage on both sides. He also pointed out that there was a lot less parking than that, there was only one aisle with parking severed on either side, which is much less than what is being proposed now, a lot more. There was also a substantial separation of the parking on the side.

Chairman Reynolds asked for some big picture thoughts on waivers for setbacks and buffers. Vice-Chairman Gross thought that there was still the opportunity to maintain the side yard setback on the building, one way or another, either it is shrinking the size of the building, moving the building to the east into the sidewalk area, or expanding the building to the north. He thought that there were some options there that he would like to have some response to. Chairman Reynolds said that if it is not for the building, he appreciated the life safety issue, but thought there was some compromise there. He didn't think from a drive aisle engineering standpoint that 32-ft. makes sense, it is suggesting three ways of transportation, and would like those brought down. If a fire apparatus is planning on pulling up alongside two cars on either way and having space to operate in 26-ft. he didn’t see why they weren’t closer to standards such as that.

Mr. Schmitz said no, he appreciated it and thought that Jeff Klatt from Kreger Klatt, will handle these issues before the next meeting.

Moved by Secretary St. Henry, seconded by Commissioner Brackon, that the Planning Commission postpones site plan approval for PC-2021-67, J.S. Brown Rd., LLC site plan, located at 851 & 861 Brown Rd. (09-33-351-020 & 09-33-351-021) for plans date stamped received August 24, 2021, for the following reasons: that there are a number of outstanding issues that have been presented by both the Township Planning Consultant and the Township Engineering Consultant and that the Planning Commission feels need to be addressed, as well as, other comments from the Planning Commission that needs to be taken into consideration as they develop a second version of their Site Plan.
Roll call vote was as follows: St. Henry, yes; Walker, yes; Urbanowski, yes; Brackon, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0

B. PC-2021-68, Dutton Park Site Plan Amendment, located at vacant parcel 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd., 1 parcel east of Interpark N.

Chairman Reynolds asked the applicant to state their name and address for the record, and give a brief overview of the project.

Mr. Tom Beauchamp with Henry Yandt Construction, 4865 Broomfield Way, Orion Township. He was representing Premier Dr., LLC for the Dutton Park project. He said he had with him his associate Ashley Hackman, their engineer Allen with Nowak and Fraus, and David with DRN Architects if questions come up.

Mr. Beauchamp said that they have been in front of them before on this, and this is an amendment to a site plan that is currently being approved. He showed the plans to the Planning Commissioners. He said the west building increased from a 5,000-sq. ft. footprint to a 10,000-sq. ft. footprint. That is basically what this is about is amending that west building.

Mr. Beauchamp said it has increased the parking from what the initial one was, and if they look at Giffels Webster’s review it has side by side comparisons of what has changed, and did a nice job of explaining that, which will hopefully make his job easier in getting though this.

Mr. Beauchamp said that part of that package, a little bit more detail on the building elevations renderings that they have. He did provide them with a summary of the review comments and then their responses too. He didn’t know if they were aware of the history to get an explanation of where they are at, other than it is just that the west building is getting bigger, and they are looking to go to the next step with final engineering if this is all acceptable to them.

Chairman Reynolds disclosed that the applicant stated that he is working for Premier Dr., LLC, his firm also works for Premier Dr., LLC, no interest in this property or this proposal here. He has also worked with Mr. Beauchamp before in the past. He wanted to disclose that and didn’t think that there was any conflict of interest but if they felt that there is, he would be happy to recuse himself. Commissioner Walker felt that there was no conflict.

Planner Arroyo read through his review date stamped September 9, 2021.

Engineer Landis read through his review date stamped September 9, 2021.

Chairman Reynolds said they had an additional comment from the Fire Marshal. He did recommend approval with comments, specifically referencing the letter that they have in front of them tonight and that was added to their packets, from the applicant in response specific to modifications to the existing gas collection system that there were some discussions and there would still be some pending outcomes and investigations in that progress. Also, that that gas collection system be reviewed and inspected by the Building Department at the time of construction. There was a review by Public Services, no issues there. A site walk was completed by the Site Walk Committee nothing explicatively called out there. The Water Resource Commission did ask that permits be applied for in the future and prior to any start of construction.

Chairman Reynolds said that a couple of things that got brought up was excess parking, drive aisle widths, and also now that they are over square footages recommending a traffic study.
Secretary St. Henry asked the applicant to explain the extra-wide width of their lanes? Mr. Beauchamp said that it comes from the first round of comments where the Fire Marshal noted an NFPA 1 requirement that they require 26-ft. clear unobstructed aisleways around the building. When they did their revision, they maintained that aisleway clearance. He did speak with Fire Marshal Williams and he said that something that exists on one review doesn’t exist on others, there was a reason for it and it had to do with at one point they had the one entrance egress for the building and now there are actually two. They extended the drive and there are two ways to get out, and so that negates the need for the 26-ft. aisleways. He has no problem going back to 22-ft. they just have to redraw it, or if it is an issue and the Fire Marshal would prefer it but, in this case, it is not an NFPA 1 requirement that he can enforce, they left it on the drawings for right now.

Vice-Chairman Gross said that the building is oriented to the east, and their access is from the west, so the entrance to the complex is really to the back of the building. Mr. Beauchamp said coming off of Interpark there is actually two ways to get in, there is going to be the future development, on the overall development of the property is going to incorporate a shared parking lot, and that is going to be more of the front of the building with a building that is going to be adjacent to it to the east. The overall master plan is why this orientation changed.

Vice-Chairman Gross asked if there was screening for the loading zone to the rear? Mr. Beauchamp replied that the loading is the area on the left which is the west-facing toward Lapeer they are quite a way back, facing towards Culvers. Currently, there is no screening called out for that. He added that if that is an issue, they need to address that as a team.

Vice-Chairman Gross asked if he knew what type of tenants that they will have in there? Mr. Beauchamp replied that it is meant to be retail and office. They do not have a tenant, currently. Vice-Chairman Gross questioned if he knew what kind of delivery or loading, they will be using it for then? Mr. Beauchamp said they are trying to remain flexible as they can but potentially, he wasn’t sure how to answer that right now. Vice-Chairman Gross said he would like to see some sort of screening for the Culvers side. Mr. Beauchamp asked if it would be a buffer to the left of the parking lot where they did it with trees and landscaping or a berm. Vice-Chairman Gross replied yes. Chairman Reynolds said in his review of the plans there is a landscape plan proposed and in that 20-ft. buffer there are trees proposed. He said they are looking at a plan without landscaping. He said if it is helpful to bring up sheet L7 for the discussion. He added that there was a 20-ft. buffer provided with landscaping.

Chairman Reynolds said that he doesn’t have any major issues with what is being proposed. He would maybe just ask as a condition amongst addressing just the open comments from outside entities and their Fire Marshal, maybe there is a way for aisle widths to their minimum while maintaining fire access. So, if there are some of those outside lanes, if the ones around the building need to be 26-ft. maybe the outside ones can be pulled in a little bit. He thought that was something he was comfortable with being between Engineer Landis and Fire Marshal Williams that they can work out to shift that and address those. He appreciated them meeting the ordinance requirement and when they have pre-application meetings the Fire Marshal is sitting there and is always looking at fire safety. He understood where this was coming from but it might be helpful, one of his closing comments was to maybe get a memo or something from the Fire Marshal to speak to some of this, so they can be on the same page of where 26-ft. really wants to be. Or unless Engineer Landis can make a quick presentation one evening to help them understand that it doesn’t need to be everywhere, or does it?

Chairman Reynolds said he was fine with the increased square footage. He thought that there was a lot that was going to change in this site, so, he thought that just being over the threshold for the traffic study he was ok with deferring that for now. If someone else feels otherwise he
was kind of indifferent right now. Mr. Beauchamp said they are expecting the Traffic Study to be complete by that first week of October. He added that the plan for that is if they know what the future stuff is going in there to try to do it, where it breaks it out what they are doing right now and future too.

Chairman Reynolds said that if the applicant pretty much addresses the comments as outlined in the letter, he was ok with that.

Secretary St. Henry said that the additional parking spaces that has to do with the fact that they are not sure what is going on the other side? Mr. Beauchamp said that there are going to be four industrial buildings that are going to fill out the balance of the space and some of that parking is meant for that but while they are here to have the staging and different things for future construction is going to help out as well.

Trustee Urbanowski asked if they have to do the Lapeer Overlay Design Standards again? Chairman Reynolds replied correct.

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, that the Planning Commission grants a Lapeer Overlay Design Standard waiver for building orientation, façade colors as presented, facades greater than 100’ (west side), and dumpster location for PC-2021-68, Dutton Park amended site plan, for plans date stamped received 08/25/21 based on consideration of the following and the following findings of facts: the building doesn’t come close to Lapeer it is set back, the front of the building is basically facing Dutton and the façade is attractive.

Roll call vote was as follows: Urbanowski, yes; Gross, yes; Gingell, yes; Walker, yes; Brackon, yes; St. Henry, yes; Reynolds, yes. Motion carried 7-0

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2021-68, Dutton Park Site Plan Amendment, located at vacant parcel 09-35-400-048 and 09-35-477-003 located on the north side of Dutton Rd. one parcel east of Interpark N. for plans date stamped received 08/25/21 based on the following findings of facts: that the Site Plan complies with all the ordinance requirements; it is a welcome addition to this area; the Overlay Design Standards have been already approved. This approval is based upon the following conditions: that any resubmittal of the plans and review be to the satisfaction of the consultants containing the issues listed in the Planners, Engineers, and Fire Marshal reviews; if there is a modification to the plan as a result of the Traffic Study that they get a copy of that.

Discussion on the motion:

Planning & Zoning Director Girling asked if he wanted a copy of the Traffic Study when it comes in? Vice-Chairman Gross said if there was required modification to the Site Plan. He didn’t care to see the study. If the consultants indicate that there are revisions needed of the Site Plan that they would see those. Planning & Zoning Girling asked if they wanted to see the actual plan back before them? Vice-Chairman Gross said just for the record.

Mr. Beauchamp said he wanted to make sure he understood when the report comes back if there is mitigation requirement’s they will have to redo the drawings to include that, and they will come back to them with that. Chairman Reynolds said the Traffic Study is going to be completed, if it recommends changes for essentially giving that empowerment to their professional consultants and they will implement or work with
them to implement those changes. They just want for record purposes to be aware of what modified. It is not a reapproval it is strictly for the record for them to see what happened.

Mr. Beauchamp said that he also had Tom Roth with his company present.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Brackon, yes; Gingell, yes; Walker, yes; Reynolds, yes. Motion carried 7-0

C. PC-2021-73, Township Initiated Text Amendment, Industrial Park (IP)

Chairman Reynolds said that there is a current reading to amend Ord. #154. That could potentially promote retail establishments within Ord. #154, that reading is occurring at the Board level currently. This minor text amendment just clarifies that if retail were to be allowed within an (IP) zoning it would be because of Ord. #154. It is kind of a bookkeeping effort to keep up with that reading.

Planning & Zoning Director Girling said that the Board is a step ahead of them. They have had one reading on theirs, that is why she quickly added this to the agenda so that they weren't surprised when they see a Public Hearing scheduled in a month. They will have one more meeting, the first meeting in October, that she may or may not. They may remember not too long ago they had a slow meeting and they talked about some potential text amendments. There were some things that they were talking about in (IP). There is a cost incurred when they are advertising a text amendment. She stated that there were a number of things talking about if they are a single parcel versus in a park. She didn’t know if she could get to that, if she can it would be before them on the first meeting in October, and be included within this text amendment, if not, the public hearing will be strictly what is shown here in red which is accommodating for the changes in Ord. #154.

Chairman Reynolds asked if they needed a motion to file and receive, or any motion required on this? Planning & Zoning Girling replied no, it was just on there to discuss so they know what is coming. If they read the Public Hearing in the newspaper and they didn’t even talk about it, you are going to be wondering what we are doing. This is letting them know why they see that.

Secretary St. Henry said can they do a quick summary of what Ord. #154 is? Trustee Urbanowski said that Ord. #154 is a Licensed Marijuana Facilities Ordinance. The changes to this covered putting caregiver operations under this as well. They were previously unable to have any kind of regulation on that but there was a court case that made it possible for them to be able to do that. If there are caregivers moving forward that want to have facilities they have to be in the (IP) District and go through the same process of applying as the bigger folks. It is adding the retail provisioning centers for medical marijuana in (IP) Districts. Secretary St. Henry asked if it was standalone buildings or adjacent or connected operations? Trustee Urbanowski said they would be standalone buildings. There are quite a few different stipulations in here in terms of location requirements. Chairman Reynolds said that there are still setback distances to schools, residences, there are some modifications proposed within this text reading. That was all available on the 9/7/2021 BOT meeting. Planning & Zoning Director Girling said that if they go to the Townships webpage under the BOT packets, they can see the proposed text changes they can find that on BOT.

Chairman Reynolds said that there are many regulations at the State level too that they are essentially trying to keep up or adding to those requirements to make sure that they fit within the Township, setback distances, the number of licenses, where they are going to be. There are some regulations where they can’t be back-to-back from a state standpoint.
Secretary St. Henry asked what is the difference between what the Township is proposing in terms of medical marijuana dispensing facility and what is being proposed in the Village of Lake Orion in a couple of locations? Planning & Zoning Director Girling stated that she would suggest that if anyone has any questions that they contact the Supervisors office. This was a text that was worked on by the BOT, not the Planning Commission. Trustee Urbanowski said that she didn’t know what the Village is doing now. Planning & Zoning Girling said they are Ord. #78 so they are having that one small difference in Ord. #78 but it was not something that was worked on by the Planning Commission because it is Ord. #154.

Chairman Reynolds said that some of the differences here are that it is being initiated by the Township, and some of these discussions of what they want, there was a referendum vote in the Village to allow that, so some of it was written in stone and the people did vote upon that. It is a little bit different than it was initiated by signatures and voted upon it wasn’t discussed with Public Hearings in the same manner, it wasn’t on a public ballot. In the big picture sense, there are different distances and things but they are also considering provisioning centers for the retail component, the Village at this point and time only has provisioning licenses and only in certain districts, so that is a little different between the Township and the Village is that they are also going to allow retail in the current text amendment but within the same distance and requirements and in (IP) district that meet only certain setback distances from schools, churches, and residences.

Chairman Reynolds said so while it is called retail it is not retail as in a party store. What they are proposing from the Township perspective is different and a dispensary or recreational use. Chairman Reynolds said it is a very controlled retail environment.

8. UNFINISHED BUSINESS
PC-2021-07, 5-Year Master Plan Update

Planner Arroyo said that the little (OP) section there at Kern & Orion is interesting. He showed them an aerial of the Knights of Columbus building. So, it is an (OP) and thought it was a good topic of whether or not that is the appropriate district for that piece of property. They could even look at this as a potential redevelopment site.

Chairman Reynolds said that they have an island use of (OP) along Orion Rd. surrounded by medium-high density, thoughts on maintaining medium-high or essentially transitioning to what it is currently zoned. Vice-Chairman Gross thought it should be medium-high, and they will review it when it comes along.

Chairman Reynolds said he lives in the Village and he goes to Rochester on a daily basis to the office so he drives Orion multiple times a day, and he struggles with that parcel, Knights of Columbus has been there for a long time, even if it wasn’t that what would they want to be there. He struggles to even think that many office/professional pieces would fit well there but thought that maintaining the residences is the obvious answer to him. He would be open to it considering it is one of those network support areas. They are close to the Village they have parks because of the Village they have Bald Mountain Recreation Area to the north and south around Kern Rd., it wants to be more of a transitional back a house zoning on a residential side.

Commissioner Brackon asked how big is that piece? Planner Arroyo replied 4.3-acres.

Chairman Reynolds thought that there might be an opportunity but it has to have some creative thinking. He thought medium-high to go along with the surrounding zoning.
Planner Arroyo said that what they would like to do next month is have their little, at the table work session. They are going to try to go ahead and update the Future Land Use Map to accommodate everything they talked about to date. They may have some other areas for discussion for them based on some evolving thought as they look at the overall Township.

Planner Arroyo added that they are also planning on introducing the economic development plan chapter, so they will be talking about that. They are going to go into a discussion of redevelopment sites, one of the things that they need to do to be compliant with redevelopment ready communities from EDC just to look at three different redevelopment sites so they are working on assembling some information for them on that.

Planner Arroyo said that they are going to introduce some of the thoughts on the complete streets plan as well, at the study session meeting in October at the second meeting. That is what is coming their way, what they have been working on.

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.

11. PLANNERS REPORTS/EDUCATION
None.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
A. 10-6-21 at 7:05 p.m., PC-2021-70, Grandview – Lapeer Road Rezone Request, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel 09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and approx. 4.21 acres from Recreation 2 (Rec-2) to General Business (GB)

B. 10-6-21 PC-2021-71 (immediately following the PC-2021-70 Public Hearing at 7:05 p.m.), F&D silverbell Rezone Request, the request is to rezone approx. 23.05 acres of vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acres from Office Professional (OP) to General Business (GB).

14. CHAIRMAN’S COMMENTS
Chairman Reynolds asked if they could get an overview on aisles widths and maybe get some comments from the Fire Marshal on clarification from the 30-26, is that all the way around? He didn’t know if that as the Fire Marshal a memo or they can kind of help walk them through. Planner Arroyo had a meeting and they got a lot more clarification on it.

15. COMMISSIONERS’ COMMENTS
Commissioner Walker mentioned that next weekend, is the first in 19 months, for a used book sale at the library.
Trustee Urbanowski said that they have waited a long time for Lo Palooza on 9/18/2021. Wildwood Amphitheater gates open at 11:30a music starting at 12n goes until 10p. It is $25 a ticket at lopalooza.org they raise money for things like the Miracle League Field.

16. ADJOURNMENT
Moved by Commissioner Walker, seconded by Commissioner Gingell to adjourn the meeting at 8:58 p.m. Motion carried.

Respectfully submitted,

Debra Walton  
PC/ZBA Recording Secretary  
Charter Township of Orion  
Planning Commission Approve Date
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Planning and Zoning Director
DATE: September 29, 2021
RE: PC-2017-14, Orion Commons PUD Amendment Site Plan Extension

On October 2, 2017 the Board of Trustees conditionally approved PC-2017-14, Orion Commons PUD Amendment Site Plan. On October 17, 2018 the applicant was granted an extension to the expiration of the site plan. On October 2, 2019 the applicant was granted another site plan extension. On October 2, 2020 the applicant was granted another extension. The applicant is now requesting another extension to the expiration of the site plan. As of today's date, the applicant has not applied for engineering review of the approved plans. Attached please find the minutes from the 6/21/17, 10/17/18, 10/2/19, and 10/21/20 PC meetings, the petitioner’s request for the extension, and a small section of the approved site plan for your reference.

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions findings of facts.

**Site Plan Extension (Ord. 78, Article XXX, Section 30.01,C,11)**

**Motion 1:** I move that the Planning Commission **approves** the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for __________ (insert time frame). This **approval** is based on the following findings of facts: *(insert findings of facts)*.

Or

I move that the Planning Commission **denies** the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan. This **denial** is based on the following findings of facts: *(insert findings of facts)*.
Moved by Commissioner Urbanowski, seconded by Commissioner Walker, that the Planning Commission approve PC-2020-22, Salon Blue Special Land Use request for microblading (tattooing), located at 1164 S. Lapeer Rd. (Sidwell #09-14-201-022) for the application, date stamped received September 30, 2020. This approval is based on the following findings of facts: it is compatible with adjacent uses and it is not changing anything that they are doing except for adding a small service to their menu that already exists; it is compatible with the Master Plan; there is no impact on traffic; detrimental effects the only thing they might have considered would have been the health part of it but it was determined that it would be licensed and overseen by the Health Department; also making sure that it is just applying to the microblading itself.

Discussion on the motion:

Ms. Dedivanaj confirmed that the microblading would be the same hours as they do any other hair services. Commissioner Walker asked what their hours were currently? Ms. Dedivanaj replied that they are Tuesdays through Saturday, Tuesdays 10a-7p and Saturdays 8a-4p. Commissioner Walker asked if the microblading would be during those business hours? Ms. Dedivanaj replied yes during those open business hours.

Vice-Chairman Reynolds stated that he didn’t have any issues if they decided to change hours as long as they don’t go into late-night activities so maybe the motion could include Monday – Sunday and a reasonable hour range just so they are not limited.

Vice-Chairman Reynolds asked if there were any additional conditions, they spoke to detrimental effects of it would be licensed is that going to be one of the conditions in the motion? Commissioner Urbanowski replied that she didn’t think it needed to be because they had to adhere to the Department of Health.

Roll call vote was as follows: Urbanowski, yes; St. Henry, yes; Walker, yes; Reynolds yes; Steimel, yes. Motion carried 5-0 (Dunaskiss and Gross absent)

B. PC-2017-14, Orion Commons PUD – Commercial Site Plan Extension, located at the vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel #09-23-100-004)

Vice-Chairman Reynolds asked if the applicant was present?

Mr. David Walters 998 Seneca, a member of Lake Orion Commons, LLC presented.

Mr. Walters said that most of them know that this has been an unusual year particularly difficult for commercial real estate. Generally, he would call them a pretty dynamic industry, and this year it has been static. They have stopped all leasing and just tried to maintain tenancy beginning in March and it has been that way until just recently. He stated that it has made it very difficult to do new development, particularly that involves small tenants that have been very heavily hit by the virus. In their industry small developments like this are almost non-existent right now and have been for most of the year which is why they are requesting an extension for an additional year so that when things start to normalize, they may be able to get into a position to be able to get the development underway.

Vice-Chairman Reynolds noted that they have a request to extend the site plan approval for one additional year. It was originally approved on the June 21, 2017, meeting and extending into 2018, 2019, and then also here tonight.
Commissioner Walker stated that it has been a very trying year for all of them, but this initial project they gave approval to in 2017 so they are at three years going on four years. That concerned him somewhat.

Vice-Chairman Reynolds said he shared a similar concern that obviously they don't want to have site plan approvals just hanging out there. This is for the commercial side; the residential development has proceeded and is almost complete or is complete. He was willing to give some leeway because of COVID and maybe they lost that 3rd year that they approved so he was in favor of granting one more extension with the comment that it is because of COVID but he would not be interested in providing anymore extension beyond that.

Trustee Steimel said that that he concurred; it is not so much granting an extension for this one but it is kind of like the general precedence of what are they setting. As a general rule, they don't want those site plans sitting out there forever. He thought that if they are going to approve this or deny it, they should do it on maybe some kind of standard. You don't want a site plan sitting out there too long because #1 a lot of the rules have changed and now, they would almost have to be compliant with something different. #2 is what is happening around there? Have the conditions changed or anything like that that might contend that they might not get a site plan approval again? Those are the kind of things as far as standards they should be looking at. They generally say to avoid those problems they don't like to grant extensions for very long. One-year extension is pretty typical once and is hard to get a second. It is not saying that due to the conditions it is not unprecedented but thought if they did grant it that they should list some of those things so that they are not setting precedence due to the guidelines that they set and that is what they are basing it on.

Vice-Chairman Reynolds said that was some of his suggested conditions just of finding of fact of why they are extending or certain conditions be imposed on them. Trustee Steimel said right, and what are the current conditions, since this was approved had there been any major revisions in the ordinances that might now apply to this and he thought that standard is, no on this one. And what has happened around there, it hasn't changed much, not a whole lot, the initial development behind them is already done it was there before they even approved these sites and there hasn't been a change in the development in that area, it is still on Lapeer. He added that there hasn't been a lot of activities as far as that that might make this not fit anymore, the chances of granting an extension are not there. It is always hard to tell too because he knew that one of the sub things that they couldn't find people maybe they should rethink what they are doing but thought, in this case, it was various circumstances of where the market is going right now. People are just trying to maintain what they got let alone build new capacity and thought it was tough right now.

Moved by Trustee Steimel, seconded by Commissioner Walker, that the Planning Commission approves the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for an additional year from the current expiration. This approval is based on the following findings of fact: since this was originally approved there has not been a lot of changes in the requirements of such a facility as far as the ordinance goes so they are not moving into a non-compliance type situation; there hasn't been much development around here to say that now it maybe it isn't compatible with what is around it so he didn't think that was a problem; it is in recognition of the current situation of basically all of this type of development has in essence just stalled because of the COVID. Understandably nobody wants to move on because nobody knows what is going to happen yet. He thought that based on these things they are not setting precedence and it is fine to grant this extension.

Roll call vote was as follows: Urbanowski, yes; Reynolds, yes; Walker, yes; St. Henry, yes; Steimel, yes. Motion carried 5-0 (Dunaskiss and Gross absent)
through final engineering and have made efforts towards adhering all the site plan approval requirements.

**Roll call vote was as follows:** Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Garris, yes; Dunaskiss, yes. **Motion carried 7-0**

**B. PC-2017-14, Orion Commons PUD – Commercial Site Plan Extension, located at vacant parcel on the south side of Scripps Rd, north of Gunnison St. (parcel 09-23-100-004).**

Mr. Kirk Stagner represented the developer Kirco and Lormax Stern, presented.

Mr. Stagner stated that they are continuing to market the property as approved under the PUD. They have not been able to secure tenants at this point enough to proceed any further, but they would like an extension to continue marketing and hopefully develop the property.

Chairman Dunaskiss questioned if there were any further updates from actual tenants or movement or is the market just soft?

Mr. Stagner replied that he was aware that they had talks and tentative deals but that have not gone through.

Chairman Dunaskiss stated that one of the things they look for with the extensions if it is so long then they question if the plan going to work. They do want to give them enough time as it makes sense for the site.

Vice Chairman Gross asked if there were any changes in the ordinances that would affect this plan?

Planning & Zoning Director Girling replied no.

Vice Chairman Gross questioned if there were any changes to a proposed development, they would have to come back to them as a new site plan?

Planning & Zoning Director Girling answered that it is a PUD, she didn’t think that they would have to come back for a whole other site plan, they possibly could just amend the PUD agreement. It would come to PC but didn’t think it would have to go back through the PUD process, but possibly consider it a minor PUD amendment to entertain the change in the ordinance if there was any. With a PUD they have excepted a plan with what those criteria were so she did not think that any change in the ordinance would impact this because they have accepted that plan with those criteria’s and setbacks and everything that was approved on the plan.

Secretary St. Henry asked didn’t they come before them a year ago and make an amendment to the PUD?

Planning & Zoning Director replied no; they came back for an extension.

Secretary St. Henry thought they had changed up the types of developments that they were looking at?

Trustee Steimel stated that the original PUD just basically showed this as a commercial property up front so then for this one it came as an amendment as to what they are going to put in.
Planning & Zoning Director replied that piece is the piece they are asking the extension on. They have seen it since it came in as one major PUD with the residential and commercial strip. Then it came in a major PUD with a public hearing with two drive through establishments and two buildings and that is the one that is an approved plan it is an approved modification of the PUD but it expires if they don’t pull a building permit and that is the extension they are seeking.

Trustee Steimel said he was ok with it if they don’t build a drive through restaurant there that is not going to filled. He is ok with the extension; he doesn’t foresee it changing for a while.

Chairman Dunaskiss wanted discussion on the time frame extension.

Vice Chairman Gross thought that another year would be appropriate.

Moved by Vice Chairman Gross, seconded by Commissioner Reynolds, that the Planning Commission approves the site plan extension request for PC-2017-14, Orion Commons Commercial PUD Amendment Site Plan for one (1) year. This approval is based on the following findings: they are continuing to market the property in accordance with the approved plan.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Garris, yes; Walker, yes; Steimel, yes; St. Henry, yes; Dunaskiss, yes. Motion carried 7-0


Mr. Moceri thanked the professional consultants. He stated that they have been working diligently on this for over a half of a year just with the concept plan and years prior to this. There is a lot of science behind this and they will see that they dedicated a lot of research in advance of just a concept. They have almost a full set of engineering plans minus the profiles, so they have done an exhausting amount of prework on this, so it is not just happenstance it is advanced.

Planner Novak read through their review date stamped September 26, 2019.

Engineer Landis read through their review date stamped September 20, 2019.

Trustee Steimel questioned if they were to utilize the sewer connection going south to Auburn Hills, he felt that it was a negotiated intergovernmental agreement about how much of the sewer can go from Orion Township. He thought that is already taken up by the developments that have happen there. Would that have to be renegotiated?

Engineer Landis replied yes; the agreement would have to be revised. There are some conservative estimates as far as the sewage goes. The County has recently revised their REU factor as far as the flow. If they use the newer figure this development may have the ability to flow south into Auburn Hills. The older figures were so conservative that there is some compacity, but that would have to be studied and agreed to by all parties.

Trustee Steimel stated that at this moment it is not necessarily a big concern, it looks like one way or another they would be able to solve the services somehow, the question is which way do they go and whether they agree that is the way the Township wants to go or not. That is really for later, what they are looking at now is somehow it could be worked out for the sewer the
current processes to try and make adjustments and “sell” that to the customer – the reason for the extension request.

Chairman Dunaskiss asked how long of an extension where they asking for? The applicant replied, 1-year.

Chairman Dunaskiss asked if there was anything else pertaining to the project or development on the site? The applicant responded, nothing at “67” but at “57” where there is a lot of expansion going on currently.

It was confirmed that this is their second extension request.

Commissioner Walker commented that he understands how business is but was hesitant about granting a second 1-year extension.

Vice Chairman Gross said that because they have been moving ahead with their development, he made the following motion:

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission approves the site plan extension request for PC-2016-30, KPMF Expansion Site Plan.

Discussion on the motion:

Chairman Dunaskiss concurred with the motion to approve. He understands there is quite a bit of development on their other site as well; it was his opinion it would be appropriate to grant the extension.

Trustee Steimel also noted that there hasn’t been any changes to the ordinance that would affect the original approval and that there were some special circumstances granted originally which would have to be revisited if the site plan expires. He, too, for the moment, was ok granting the extension.

Roll call vote was as follows: Walker, yes; Reynolds, yes; Steimel, yes; Gross, yes; Garris, yea; Dunaskiss, yea. Motion carried 6-0 (Absent: St. Henry)

B. PC-2017-14, Orion Commons PUD - Commercial Site Plan Extension, located at vacant parcel on the south side of Scripps Rd. north of Gunnison St. (parcel 09-23-100-004).

David Walters, 998 Seneca, Lake Orion, presented on behalf of Orion Commons. He explained the reason they are asking for an extension is they have not yet developed a leasing momentum that would justify building the building. When he was here last year requesting approval, it was noted by the public that there were already vacant store fronts in Orion and his response to that was: they will not build spec buildings and still stands by that statement. They do not want to build something unless they have at least 3 out of 4 tenants.

The applicant said they continue to have discussions, have extensive signage, and do get calls all the time but haven’t been able to get the right tenants with the right financials that would justify them making an investment of this type. He is therefore requesting a 1-year extension.
Chairman Dunaskiss asked, that looking at the corridor and the market and given there is still quite a bit of retail vacancy, is this project still viable? Mr. Walters said they are getting interest but just not at that critical tipping point. Mr. Walters was asked if he does believe the proposed plan is still solid for the overall development? Mr. Walters replied, that he thinks so because of the fact of other developments near that intersection like Beacon Square and with the Pulte development filling up, the area will look less "rural" which will help. He did note, however, that the centers on the west side of Lapeer Road, particularly the one south of Clarkson Road, can offer tenants rents that are 50% less than what they can build new product for. He also explained that building costs continue to go up and site work is extremely expensive for a small site like this. He said they need to get rents in the mid-20s to make this work. However, that is not to say there aren't tenants that would rather be closer to the road and in a small center like this one – there are and they will continue to work diligently on getting them.

Chairman Dunaskiss said, given the applicant, their track record and this community, he appreciated the fact they didn't go forward with spec buildings. He would be comfortable granting a 1-year extension. Mr. Walters said this community is continuing to grow. Baldwin Commons is 100% leased and there is certainly demand for new, smaller product. Mr. Walters commented they were actually involved in the center on the east side of Baldwin Road, north of Brown Road. That center was pre-leased and built in a very short period of time. He added there is plenty of traffic on Lapeer Road, it is just a matter of convincing retailers and getting them here - seeing what the community is all about.

Vice Chairman Gross said he appreciates the fact they holding out for the right tenants and not just any tenants that would not be characteristics of the neighborhood. Mr. Walters said they are looking for neighborhood community type tenants and not national retailers. Finding the right mix is something they will continue to work on and will hopefully be able to start something in the spring.

Vice Chairman Gross noted there has not been any changes to the ordinance, as noted by Trustee Steimel during the previous discussion, that would impact this development.

Moved by Trustee Steimel, seconded by Vice Chairman Gross, that the Planning Commission approve the site plan extension request for PC-2017-14, Orion Commercial PUD Amendment Site Plan for one (1) year; this approval is based on the fact that nothing has really changed in the ordinances, they are waiting for the right kind of tenant before actually starting construction which is the preferred method.

Chairman Dunaskiss asked if there was any discussion on the motion from the Commissioners or questions from the public, there was not.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Garris, yes; Walker, yes; Steimel, yea; Dunaskiss, yes. Motion carried 6-0 (Absent: St. Henry)
Engineer Stevens added that they did review the volumes and all those met ordinance. Also, it moved the west bank of the basin outside of the limits of the wetland therefore removing any impact with regard to that. He noted that this is allowed by Township ordinance and has been done on other sites.

Chairman Dunaskiss said he appreciated the applicant working with the neighbor and looking at what could be done on site. He noted that underground detention is expensive and commented on the fact that they will now not be impacting any wetland. It was his opinion these were improvements to the site and supports them.

Trustee Steimel asked about a service gate. Mr. Harvey pointed out there is one.

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission grants the request for a 3 on 1 slope for the stormwater retention basin as reflected on the plans date stamped and received June 12, 2017 for the following reasons: that the revision increases the storage capacity of the stormwater retention basin, it has been reviewed and satisfactory to the Township Engineer and it also helps to satisfy the requirements for preserving the wetland area.

Roll Call: Steimel, yes; Gross, yes; St. Henry, yes; Walker, yes; Dunaskiss, yes. **Motion Carried 5-0 (Porter and Zielinski absent)**

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission grants approval for the revised site plan dated June 12, 2017 including the addition of the necessary fence and the addition of additional landscaping within the north greenbelt area since the revision represents the refinement of the original plan and also represents communication with the adjoining property owner.

Roll Call: Walker, yes; Gross, yes; St. Henry, yes; Steimel, yes; Dunaskiss, yes. **Motion Carried 5-0 (Porter and Zielinski absent)**

C. PC-2017-14, Orion Commons Commercial, Planned Unit Development (PUD) Major Amendment request, located on a vacant parcel south Scripps Rd., North of Gunnison St. on the west side of Lapeer Rd. (parcel 09-23-100-004).

Chairman Dunaskiss asked the applicants if they had anything else to add? Mr. Walters commented that he believed as the consultants go through their concerns, he will have Mr. Thompson point out the revisions they have already made in an attempt to address those concerns.

Chairman Dunaskiss asked Planner Lewan to go over his review dated June 14, 2017. He noted this is a major amendment to the PUD, the original PUD was approved simply with this area indicated as “future commercial”. Now there is a plan and why this is considered a major amendment to the PUD.

Planner Lewan commented that this is a use that was envisioned by both the Master Plan and Zoning Ordinance; commercial in this part of the Township.

- Regarding General Design Standards, it was Planner Lewan's opinion that the applicant did a good job meeting those standards but is something the Planning Commission has to address.

- There are also some Non-Residential Design Standards. A couple of things that should be reviewed and considered is that there is proper screening between the commercial portion and the residential portion. He commented that it appears to meet ordinance...
standards. All utilities are supposed to be underground and did not see anything to the contrary but asked that the applicant address it. Also, Planner Lewan noted there is one pedestrian connection to one of the buildings and asked the applicant to consider a second pedestrian access. If someone is walking from the south, they would have to walk through the grass and over the parking lot.

- Regarding parking – the parking standard contained in the zoning ordinance for restaurant is higher than what the applicant in their experience has found. They are providing a 1 to 150 parking calculation, the Township ordinance is 1 to 100; therefore they are proposing 91 parking spaces, per ordinance there should be 108 spaces. This discrepancy can be handled a couple ways, it can be "baked" into the PUD or a waiver can be issued if the applicant can explain that this amount of parking will work for them.

- The applicant needs to explain were loading was going to occur onsite.

- MDOT needs to review and approve the Lapeer Rd entrance.

- Planner Lewan had some concerns about the drive-thru lanes: making sure that stacked vehicles will not impact circulation around the building; it would be helpful to know where all of the menu boards and speakers will be located, another concern mentioned during the public hearing. Also, that the applicant modify the location of the southern dumpster enclosure to ensure uninhibited truck access.

- Regarding landscaping requirements, the applicant has done a good job with their landscape plan. A couple minor items: he would like more detail about the small landscape plaza and the requirement for parking spaces differed from his calculation.

- Planner Lewan commented the applicant needs to provide lighting cut sheets and details of light fixtures, another comment raised during the public hearing. He wants to make sure that lighting is downward directed and away from residents.

- Planner Lewan had no issue with floor plans and elevations; they are attractive buildings. They did provide information that is acceptable.

- Planner Lewan also suggested that a PUD Agreement amendment should be provided that indicates how this development will "fit in" but deferred that to the Township Attorney to see if that is necessary.

Planner Lewan stated there aren’t really any “show stoppers” here. Mostly what he is asking for is some additional details so they can be assured that some of the impacts he raised in their review and by some of the residents can be addressed in a satisfactory manner. Generally, he believes the plan complies with the intent and the arrangement of the originally approved PUD, envisioning that this would be a restricted business type, commercial facility.

Chairman Dunaskiss asked Engineer Stevens to go over his review dated June 6, 2017.

- Engineer Stevens noted that as everyone is aware, this is part of the Orion Commons development overall PUD with the residential portion already being started in terms of essential facilities - watermain, sewer, stormwater, etc. He noted those facilities were built as part of the residential development and were designed to handle this commercial portion. The watermain system will be looped throughout the site connecting from Lapeer Road to the newly installed main along Gunnison Street.
Regarding the sanitary sewer - there was a pump station constructed as part of the residential development. The sewer essentially runs in the rear of the buildings and will operate via gravity to service this proposed development.

The stormwater detention facilities were also built as part of the residential development and was designed to handle this particular site. Their storm water is collected via storm sewer and transported to the facilities as part of the residential development.

The paving onsite meets Township requirements. He did have concerns regarding the traffic circulation onsite. He was aware the applicant submitted a revised set of plans to address that, but will need to look at those in detail along with the Fire Chief and other Township personal.

In conclusion, because of some of the site circulation issues and other issues, he found the plans were not in substantial compliance. He had a number of comments, several which are relatively minor. One he wanted to highlight was the circulation. The applicant was displaying the amended plan that showed a boulevard or island to separate the two one-ways that are on the opposite side of what we are used too. The previous version had them touching. His other concern was how the dumpsters were located. Again the plan displayed tried to address those concerns.

Engineer Stevens noted that the applicant said they would address the original traffic study. The original traffic study is part of the trip generation. The lane use code for this site was called Specialty Retail, his concern is they have fast-casuals with drive-thrus, certain fast-casual may fit within that Specialty Retail classification but others may not. He is asking the applicant to have their traffic engineer address the fact, even though they can disclose who the users might be, that they fit within the specialty commercial that was designated in the original traffic study.

Planner Lewan added they did a sign review that was separate from the development review and was provided in the packet. They reviewed the signage using the RB standards and found that using that standard, the applicant had met the sign standards for both building signs and ground signs with one exception - the location of the sign as it relates to the road right-of-way. The Planning Commission may allow some differences in this setback because it is a PUD, but something that needs to be addressed and some dimensions will be needed for the monument sign. The plan does not indicate the setback and based on his measurements of the proposed ground sign, it is deficient by about 5 ft. This could be part of the PUD or the applicant could move the sign back 5 ft.

Chairman Dunaskiss asked the applicant to go over some of the points that have been raised by the consultants.

Mr. Walters commented that they had the benefit of about ten days from Planner Lewan and Engineer Stevens’ reviews. They therefore made changes that he believes substantially address many if not all of their comments. He believed one of the most significant comments was about incorporating an island separating the drive-thrus as a safety feature, which they did. They also put in another walkway access off Gunnison Road for pedestrian traffic and have addressed the dumpster issue. He then asked Mr. Thompson to address the rest of the issues.

Mr. Thompson pointed out they added pedestrian crosswalks so they now have combined Gunnison Road into the development and they have a proposed connection to Lapeer Road to
the first building and the subsequent development will also have additional connections. Mr. Thompson pointed out there was a node that was part of the PUD to be built yet and that node will also have a connection to the future development. In total they should have four pedestrian connections into this five acre parcel.

Regarding loading – they have identified a 10 x 50 area for both pieces. They have also added the speaker box locations at the back of the buildings.

The landscaping typos have been corrected; dumpster detail has been added to the detail sheets; they have provided a new photometric plan, cut sheets and fixtures for lighting; they have rotated the dumpsters so they won't conflict with stacking; and they have provided the boulevard/island.

With regards to the traffic study - they reached out to Parsons to get an updated memo. Preliminary discussions with them indicate there shall be no major consequences based on the change of the uses. In fact those uses are primarily the uses within the zoning classification.

Regarding the sign location - they have relocated the sign out of the right-of-way into the depicted corner location. Details were on the architectural plans.

Chairman Dunaskiss asked for more clarification on the traffic study. Mr. Thompson said that when Parsons did the original study, they did it based on the zoning they were proposing to utilize for the PUD. So the current proposed uses they anticipate fall within are allowed ordinance in general. When they talked to Parsons, they hadn't had a chance to get to the study yet but Mr. Thompson anticipates a memo from them indicating that there will be no change.

Trustee Steimel asked if the placement of the loading zones make sense, on an access road and across the street from a business? The applicant responded that there is no loading through a door, everything comes out of the truck. The truck is almost always parked when the development is not in service - before or after hours. Trustee Steimel was concerned about this because of the drive-thru lanes. Engineer Stevens reiterated that what is being shown is a new plan he hadn't reviewed yet. Another concern was that it was depicted adjacent to the residential portion – it would be nice if it were a little further way. Engineer Stevens said he will also look at it from a traffic flow standpoint.

Trustee Steimel commented that personally, he is not really crazy about drive-thrus and one of the reasons why is that originally the Planning Commission said no fast food and now there are two. Having drive-thrus brings up a lot of new concerns and why this now has to be reviewed. He then noted a concern about the PUD being under unified control.

Trustee Steimel also asked about a wall shown on the plans. It was noted the one shown is a retaining wall and Trustee Steimel was concerned how much of a buffer that would be between the commercial and residential.

Engineer Stevens explained the buffering. There is a berm there which ranges about 4 to 6 ft. in height with landscaping on top so there is screening there. The top of the berm is about 4 to 6 ft. below the parking lot grade and below the “finished floor” of the building. Vice Chairman Gross added that in that regard, the berm has been established now for three years or so, the evergreens on it are beginning to sprout, it is showing its maturity. Mr. Walters said they contributed to the cost of that berm and it was designed to meet code requirements. Planner Lewan noted that his review indicated that it does meet ordinance standards for a buffer between residential and commercial developments.
Commissioner Walker commented that the original PUD was granted over four years ago and he now has more questions today than he did then. He is still not sure how this is going look when they are done and has no idea who the tenants might be. He also shares concerns about the drive-thrus and was not sure the difference between a “fast-casual” and “fast-food” restaurant. Mr. Walters explained the difference is the intensity of use – “fast food” is usually very intense during certain hours of the day, “fast-casual” tends to be not directed toward any particular time of the day. That usually fast-casual restaurants don’t stack cars the way fast-food does. Fast-food does almost two-thirds of their business through their drive-thru windows; a fast-casual does far less than 50% of their business through the drive-thru.

Vice Chairman Gross then asked what type of seating is on the interior of the restaurants and will there be any outdoor seating? Mr. Walters responded, about 40 to 60 seats or possibly less depending on the tenant. They are not anticipating any outdoor seating on the site plan.

Secretary St. Henry commented, he lives in the Round Tree subdivision and has watched this development very carefully. He believed at the time that the original PUD was approved, the Planning Commission was very comfortable with the Pulte development but there were great concerns regarding this commercial strip. He recalled that the original discussion in 2013 was completely different than what is being presented today. He was disappointed with this plan, it is exactly what they talked about not wanting along Lapeer Road in that location. They specifically talked about stand-alone buildings different than what would be found up and down Lapeer and Baldwin Roads – stand-alone restaurants, family-style restaurants, banks, pharmacies, things like that. Then when the child care facility went in, he was encouraged – that was exactly what they were looking for. There was plenty of discussion about drive-thrus and the Planning Commission did not want any kind. Another big concern at the time was the Scripps and Lapeer Road intersections – that within a quarter mile in any direction were traffic issues and were comfortable with stand-alone commercial development. They wouldn’t have the type of traffic that would significantly impact Lapeer Road. Also, there was no delineation between a fast-food restaurant and a fast-casual restaurant in those discussions. It was his opinion that the Planning Commission needs to take this into consideration – this is not what this Planning Commission or Board of Trustees envisioned in front of the Parkview subdivision.

Engineer Stevens clarified that the berm that exists today, there are portions of that berm that aren’t significantly high because the site is proposing to cut some of that grade. If you look at it today, it looks like it may only be a foot or not much of one at all - there are spots where they are proposing to cut the grade which will result in that berm being 4 to 6 ft. high.

Mr. Walters agreed there was a lot of discussion in 2013, but what governs what can be put here is the PUD Agreement and the PUD Agreement specifically makes a delineation between fast-casual and fast-food and it prohibits restaurants such as Wendy’s or a McDonalds and it specifically allows for a Panera Bread and similar use with drive-thru. It was a huge part of the discussion and the public hearing.

Chairman Dunaskiss and Planning & Zoning Director Girling looked up the section of the PUD Agreement that talks about the uses it was item #3 on page 4 of the PUD Agreement. In particular it said any fast-food drive-thru restaurant such as McDonalds or Burger King excepting bakeries such as Panera Bread or beverage retailers such as Starbucks or any car wash.

Trustee Steimel asked what was on the other side of one of the buildings, on the north elevation, it looked like there was another window there? Mr. Walters said that is a drive-up
window not a drive-thru. There are no related microphones or menu boards - kind of like what a pharmacy would have.

Trustee Steimel asked about the look of the back of the buildings, will the utility units be screened? Mr. Thompson said they would be four-side screened, all the equipment will be screened per ordinance.

Planner Lewan said that he thinks knowing some of the uses that require the drive-thrus would help address Secretary St. Henry's concerns.

Mr. Walters explained, too, that a big difference between a fast-food restaurant and a fast-casual restaurant is that fast-food is a destination, fast-casual is more of a drive by use. He noted that this has been a challenging area, they would have been out of the ground a lot sooner if they had tenant interest here. He reiterated that right now they are only talking about one building here.

Planner Lewan asked Planning & Zoning Director Girling if this plan was to be approved, since we don't know what the uses are, and the applicant comes to us two or three months from now, how will those uses be approved. Planning & Zoning Director Girling responded we have not had a situation that she could compare it to. She had a recent conversation with the Township Attorney regarding going forward with PUD amendments and requiring a PUD Agreement amendment. That would possibly provide the ability to look at that between the first and second readings. It would provide something a little more reeled in so as not to create a future problem.

Commissioner Walker commented that a lot of the focus has been on the drive-thrus, there are still a lot of other issues that he is not comfortable with. He cannot see what this is going to look like so is not comfortable with and is reluctant to give the applicant permission to do something if he doesn't understand the end result.

Vice Chairman Gross said he thinks part of the problem is that the Planning Commission is being presented with two buildings with two drive-thrus and that is taking a "big bite" out of the apple all at once. If it was one building, then at the end everyone could see what fast-casual was. Then eventually the other building might end up being a family restaurant of something like that.

Secretary St. Henry commented that there is no question that being across from the school complex that those tenants, if approved, are going to do very well - it is a prime location. Again, he did not believe that is what the Planning Commission envisioned or that of the publics.

Chairman Dunaskiss commented that the applicants have addressed the fast-casual and drive-thru concerns, one thing regarding the parking that hasn't been addressed, are they looking to increase it a couple more or do they want to go forth with 99 as presented? Mr. Walters reiterated they are only going to build the southernmost building first and improve the entire eastern most parking stretch all the way to the driveway to the north in the first phase. There will be sufficient parking to meet ordinance in this first phase and then they will see. If stacking occurs or they find it is under parked, they will address it with the second building.

Vice Chairman Gross then clarified they are looking at this as a "phased" development, phase 1 being the southern building. Mr. Walters said they are not a spec developer and he does not have leasing completed yet for the first building. He has been working at this for four years - there is not that free-standing family restaurant that wants to be here.
Secretary St. Henry added that the problem with a beverage use such as Starbucks is that there would be stacking, especially in the mornings.

Trustee Steimel commented he could accept a drive-thru on one of the buildings but it seems like it will be too much if there is one on both of the buildings.

Mr. Walters commented then, that maybe the solution is to just look at the southern building, they are not going to build the northern building right now anyway. They designed the north building to what they felt would be the most desirable use for the tenants they have been talking to but there is no guarantee. He offered to just leave the north building a generic 6,000 sq. ft commercial building – it could be a single use, it could be two uses, etc. He wanted to go ahead and get approval for the southern building as it is drawn and the northern building, will do another amendment if a drive-thru is required.

Vice Chairman Gross asked how long would it take them to revise the plans to reflect this? Mr. Walters said if they get approval, it could be done administratively. Chairman Dunaskiss asked Planning & Zoning Director Girling if it could be done administratively? Planning and Zoning Director said that it would be a lot - she would have distribute the plans to the consultants and it would depend on the Commissioner comfort with number of changes there would be.

Regarding the traffic flow, the applicant said he didn’t have any problem with OHM’s proposal of putting in an island, from a safety point, it is probably a good thing to have a feature like that between two drives. What they would be looking at is essentially the same parking field, the same layout, the same circulation, and same features. The only difference would be they would make the north building generic without a drive-thru with the understanding that if a drive-thru is needed, they would come back.

Planner Lewan commented their review would be the same whether it comes back to the Planning Commission or not. He agreed with Planning & Zoning Director Girling, it is strictly up to the Planning Commission if they believe all their questions have been answered or if they would like to look at it again.

Planning & Zoning Director Girling commented that being the Planning Commission is a recommending body, normally when a recommendation is made, it is the plan they have looked at that goes to the Board of Trustees – they would be giving an approval after it is administratively reviewed by the two consultants and then forwarded to the Board of Trustees with the recommendation to approve. The Planning Commission wouldn’t have actually seen the changes 100% on paper.

Mr. Walters reiterated that the only change to the plan is they will take out the drive-thru on the north building. Chairman Dunaskiss asked, there would be the same circulation - two lanes going east bound? Engineer Stevens commented that they would work with the applicant on how that would look – at this point, he was not sure he would want dual 25 ft. wide, two out-bound lanes that are not for a drive-thru. Mr. Thompson said they would probably rotate one drives and then it would be a two-way.

Chairman Dunaskiss said his personal opinion was that the biggest issue was with the drive-thrus, that he could see the Planning Commission going ahead with the applicant’s proposed changes - that he had faith in the Township consultants that everything is done properly.

Engineer Stevens asked the applicant, in terms of a phasing approach, they would essentially be building all of the infrastructure and all of the pavement, just not building the northern building and leaving it as a pad? The applicant said they wouldn’t do all the paving, they would
do the parking and drives associated with servicing the southern building and do the parking field on the eastern most side of the development as it is shown - curb to curb. Vice Chairman Gross asked, will the drive off Lapeer Road be built? The response was, yes, the cut and tapers would be built.

Planning & Zoning Director Girling commented that if this is going to be phased, the ordinance calls that if there is phasing within a plan that it be shown on the plans – they need to show the exact phasing line and what would be included in phase I and what would be in phase II.

Planning Commissioner Walker noted that he is still uncomfortable, that there is a lot of things or variables out there that the applicant says "will all be ok". What about the comments from the consultants, if the Planning Commission were to make a recommendation on what they presented tonight, would they be willing to modify their plan according to what the consultants suggest they do? The applicant commented that they have already substantially done that. Planning Commissioner Walker said he wants to make sure that "nothing falls through the cracks". Mr. Walters said, understood.

Planner Lewan asked the applicant if this was postponed, how would that affect their timing/scheduling?

Mr. Walters replied, it depends on how long it would be delayed, as they push towards the fall, they wouldn't start this until the spring of 2018. Vice Chairman Gross verified there will be a Planning Commission meeting on July 5th. Planning & Zoning Director Girling concurred however that is the day after a holiday, packets are prepared a week prior, that wouldn't give the consultants very much review time. Ideally, if that is the direction, if they submit the plans to her by June 28th, they could be one the July 19th meeting.

Trustee Steimel commented that he will get a chance to see it again at the Board level, he would request that revised plans be looked at by both consultants and that they provide reports. He is ok either way because he will get to see it again.

Vice Chairman Gross asked if the Village Plaza sign at the corner of Scripps and Lapper, will that be a part of the phase I? Mr. Walters said, yes, and that there were drawings of that in the original PUD submission.

Chairman Dunaskiss said he was comfortable with a decision tonight, whether to approve or deny, to the Board of Trustees given that Trustee Steimel will see it again and the consultants are here and know what they are looking for.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission forward a recommendation to the Township Board to approve a modified Orion Commons Commercial Planned Unit Development Major Amendment located on the subject property for plans to be revised representing this evening's discussion about eliminating a drive-thru on the north building; revising the drive connection between the two buildings to reflect the elimination of the drive-thru on the north building; that the plan is consistent with the intent of the PUD concept; that the plan is compatible with adjacent uses; that the plan is designed to minimize the impact generated by the surrounding uses with a single access on Lapeer Road and access management for future development for the additional properties to the north; that the proposed PUD is consistent with Master Plan and the changes in the infrastructure such as for roads, sewers, etc.; recommendation for approval on the revised plan to be submitted is based upon the Township representative representing the Planning Commission's concerns and reviews the site plan prior to the Township Board meeting; and that the construction of the Lapeer Road/Scripps Road landscape plaza sign is a part of phase I approval.
Vice Chairman Gross amended the motion Commissioner Walker re-supported, to add that the applicant has indicated they would adhere to the requests made by both the Township consultants with regard to their reports, OHM’s report dated June 6, 2017 and Carlisle/Wortman’s report dated May 17, 2017; that proper phasing be included on the revised plans that clearly shows the line between phase I and phase II; that there be a review of the menu board and speaker being they are considered signs needs to be analyzed with the ordinance; and that Trustee Steimel will represent the Planning Commission concerns and help guide the Board of Trustees review of the revised plans along with the consultant re-reviews, and not based on his review as noted earlier in the motion.

Roll Call: Gross, yes; Walker, yes; St. Henry, no; Steimel, yes; Dunaskiss, yes.
Motion Carried 4-1 (Porter and Zielinski absent).

Planner Lewan suggested the phasing inclusion in the motion.

Trustee Steimel commented that the idea is that it would be his job to guide the Board through the revised plans for approval that represent the Planning Commissions’ concerns. He also asked this not be schedule for a Board meeting until the consultants can get their reviews done.

Planning & Zoning Director Girling added that now that the plans are going to show where the menu board and speaker will be, those are signs and details of their size and not just their location needs to be reviewed; Vice Chairman Gross added that to the motion.

Engineer Stevens commented that regarding the loading and unloading zone locations, he will look at that from a traffic standpoint. Vice Chairman Gross suggested that with the elimination of the drive-thru on the north building, the loading zone could now be placed adjacent to the building.

Roll Call: Gross, yes; Walker, yes; St. Henry, no; Steimel, yes; Dunaskiss, yes.
Motion Carried 4-1 (Porter and Zielinski absent).

8. UNFINISHED BUSINESS
None

9. PUBLIC COMMENTS
Linda Taylor, 2013 Trimble, commented they just purchased their condo and knew there would be a commercial development – she would rather see a 5 ft. tall pretty concrete wall because it would help deter noise, help with the lights, if there ever becomes another drive-thru, the lights won’t go through the wall, something to consider.

10. COMMUNICATIONS
Memo from Clerk Shults regarding first reading of BIZ Text Amendment
Memo from Clerk Shults regarding first reading of Sign Ordinance No. 153
One Stop Ready Flyer regarding Academy 2017
RCOC’s Road Report 2nd Quarter 2017
Memo from Planning & Zoning Director Girling regarding the yearly Planner’s Conference

11. COMMITTEE REPORTS
None
Debra,  

Please accept this note as our formal petition to be added to the October 6th agenda. We will be requesting an extension of the approved Orion Commons, LLC PUD. Many thanks.

Sincerely,

Orion Commons, LLC
David B. Walters
Member
TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning and Zoning Director

DATE: September 29, 2021

RE: PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment Site Plan Extension

On October 29, 2018 the Board of Trustees conditionally approved PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment Site Plan. On October 16, 2019 the applicant requested and was granted an extension to the expiration of the site plan. On November 4, 2020 the applicant requested and was granted another site plan extension. The applicant is now requesting another extension to the expiration of the site plan. Since the last extension, the applicant has signed and recorded the PUD Agreement Amendment and the engineering plans have been approved. Attached please find the minutes from the 8/1/18 PC meeting, 10/1/18 BOT meeting, 10/16/19 PC meeting, and the 11/4/20 PC meeting.

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions findings of facts.

**Site Plan Extension (Ord. 78, Article XXX, Section 30.01,C,11)**

**Motion 1:** I move that the Planning Commission **approves** the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment Site Plan for __________ (insert time frame). This **approval** is based on the following findings of facts: *(insert findings of facts).*

Or

I move that the Planning Commission **denies** the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment Site Plan. This **denial** is based on the following findings of facts: *(insert findings of facts).*
The Charter Township of Orion Planning Commission held a joint public hearing with the Board of Trustees on Wednesday, August 1, 2018 at 7:06pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

**PLANNING COMMISSION MEMBERS PRESENT:**
Justin Dunaskiss, Chairman
Don Gross, Vice Chairman
John Steimel, BOT Rep.

**PLANNING COMMISSION MEMBERS ABSENT:**
Joe St. Henry, Secretary; absent with notice

**BOARD OF TRUSTEE MEMBERS PRESENT:**
Chris Barnett, Township Supervisor
Donni Steele, Treasurer
John Steimel, Trustee

**BOARD OF TRUSTEE MEMBERS ABSENT:**
Penny Shults, Township Clerk; absent with notice
Brian Birney, Trustee; absent with notice

**CONSULTANTS PRESENT:**
Doug Lewan (Township Planner) of Carlisle/Wortman Associates, Inc.
Jim Stevens (Township Engineer) of OHM Advisors
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Louie Jaffe
Stefano Mularoni
Carol Thurber
Craig Kovarik

Harold Flood
Kimberly Ostrolneki (sp?)
Lynn Harrison

The Board of Trustees opened their Special Meeting at 7:08pm.

Chairman Dunaskiss invited the applicant to make a presentation.

Carol Thurber with Fazal Khan & Associates, 43279 Schoenherr, Sterling Heights, presented. Ms. Thurber said she was representing Baldwin Medical, LLC and introduced two other representatives with her – Stefano Mularoni and Craig Kovarik.

Ms. Thurber gave a brief history of the property – the original PUD was approved around 2005. She presented a slide presentation depicting the current Walgreens as “Retail A”. There was a mixed use of about 84, 500 sq. ft. and 62 residential units were proposed. In 2012, Waterstone Village was approved as the First Major PUD Amendment for 77 residential units. That now left about 5 acres that were vacant. The next Major PUD Amendment was in 2014 when Tim Hortons and Coldstone Creamery were proposed. That then left a little over an acre/acre and half vacant.

What they are proposing is a two-story, 21,000 sq. ft. medical building. The proposal follows all of the Gingellville design standards – parking more in the rear, building towards the front, style of brick, light fixtures, etc. Ms. Thurber noted that they did bring samples of the brick and accenting faux limestone with them.
Chairman Dunaskiss asked if there was anyone here from the public that would like speak? There no comments from the public.

Chairman Dunaskiss then asked if the Planning Commissioners had questions or comments?

Prior to those questions/comments, Chairman Dunaskiss read into the record a letter from Chris and Nancy Carr, 21395 Tammie Dr., Lake View, AL. They own a home at 3375 Maybee Road and asked that the 30-foot landscape barrier, the 10 to 12-foot pine trees and the 8-foot privacy fence between the properties agreed to in 2004 be kept.

Vice Chairman Gross read the review from the Road Commission dated July 24, 2018. It was noted in the review that their comments were for conceptual purposes only and should be incorporated into detail construction plans. Once the five comments (A - E) have been addressed, plans should be submitted to their office with completed RCOC permit application(s). Regarding this review, an email was received from Larry Mullins dated July 27, 2018 that stated, "The drive is on our property Walgreens shares with us".

Chairman Dunaskiss noted the Site Walk Report from the Site Walk Committee dated July 26, 2018.

Supervisor Barnett opened up questions and/or comments from the Township Board members.

Treasurer Steele commented that it is a nice building, it looks very similar to the one in Oxford as a medical building. She asked if when the building is finished, is it occupied and does the developer know what is going in there? Ms. Thurber responded that the doctors that will be occupying the building are the ones that are funding the project - it will be occupied and is not "build to suit".

Trustee Flood remembered the difficulties with these two properties - there was a deed restriction put on the south property pertaining to the proposed drive-thru at that time. Here they are combining both the lots. He said understands there are a lot of other things the Planning Commission will need to discuss given the comments from the consultants.

Supervisor Barnett said he is going to leave the "heavy lifting" to the Planning Commission. However, in general, the proposed Tim Hortons and Coldstone would have left one other outlot vacant; he liked that now they would be combined. He liked this and believed that it fits the corridor.

There were no further comments from the Board of Trustees.

Ms. Thurber responded to the concern from Chris and Nancy Carr – she said that the landscape buffer would be maintained.

Vice Chairman Gross noted that the applicant handed out a revised preliminary plan for the site as opposed to the one that was included in the packet. Ms. Thurber said it was a concept that they would like to discuss when reviewing the site plan; it addresses many of the site plan comments.

Seeing there were no other comments from the public, Planning Commissioners or Township Board Members, Chairman Dunaskiss closed the PC-2018-27, Baldwin Medical joint public hearing at 7:17pm.

Respectfully submitted,

Lynn Harrison
PC/ZBA Recording Secretary
Charter Township of Orion

August 15, 2018
Planning Commission Approval Date
Chairman Dunaskiss asked why it has taken so long to get the engineering bids out? Mr. Jaffee said they were working on getting all the pricing and budgets together - once engineering comes back, the applicant will decide how to proceed.

Chairman Dunaskiss commented that it appears the applicant is diligently moving forward and hopes to break ground during the next building season. Mr. Jaffee concurred and replied, by spring.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approve the site plan extension request for PC-2016-14, Villa at Silverbell Estates Site Plan for one (1) year, this approval is based on the following findings of fact: that the applicant has been moving forward with the necessary engineering plans and bidding documents for the project.

Roll call vote was as follows: Gross, yes; Walker, yes; Porter, yes; Reynolds, yes; Steimel, yes; Dunaskiss, yes. Motion carried 6-0 (St. Henry absent)

B. PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment located on the southwest corner of Baldwin and Maybee Roads (vacant parcels 09-29-301-084 and 09-29-301-085

Carol Thurber with Fazal Khan & Associates, 43279 Schoenherr, Sterling Heights, re-introduced herself. She explained they reviewed the consultant comments and can address all of them with no problem. Her comments were as follows:

- The Baldwin sidewalk will be put in by others (RCOC).
- Additional landscape has already been proposed along Baldwin Road from the plans that were shared with them. There is a good deal of landscape within the right-of-way in addition to what they are proposing adjacent to that right-of-way.
- Their parking calculation was based on the land use according to Section 9.03 of Zoning Ordinance #78 which is one space per 250 gross sq. ft. for medical office rather than being based on the RB count. It was her opinion they are a little over-parked for a medical use.
- Regarding the building height, it is 28 ft. 0 in.
- The façade and building materials were displayed on a board they brought with them. Ms. Thurber pointed out what materials would be used and where.
- Ms. Thurber noted that circulation was a major concern in both the Planner’s and Engineer’s review. At the pre-application meeting, it was suggested the drive-thru area be on the north side of the building however that created some major circulation issues. As had been suggested in the Engineer’s review, they prepared another plan showing the drive-thru reversed and on the south side of the building. A plan showing that reversible was placed at each Commissioner’s place.
- Ms. Thurber explained that reversing the drive-thru took care of a lot of the comments brought up by the Planner. It allows for a good accessible pedestrian access from the existing access already to the site from Baldwin Road; it allows for an access over to Walgreens; it took care of other circulation issues that were brought out by both the Planner and the Engineer; and took care of the fire apparatus radius concern allowing for maneuverability of fire trucks.

Planner Lewan went over Carlisle/Wortman’s review dated July 20, 2018 and explained the process for a Major PUD Amendment and clarified with Planning & Zoning Director Girling that
the applicant is combining their review of the preliminary and final plans at the same time which is allowable by Ordinance. Therefore, final plans may not be coming back to the Planning Commission for further review.

- Planner Lewan noted there were a number of things that the Planning Commission has to determine regarding the plans meeting PUD standards - it was his opinion that the plans meet those standards and should be noted in a motion if approved. He added that he believed this proposal doesn’t change the basis upon which the PUD was initially adopted.

- Planner Lewan commented that there were also some PUD non-residential standards that needed to be met and believed that the applicant did a good job addressing those as well.

- He did note their concern about pedestrian safety however the applicant’s engineer did address that by changing the drive-thru location. He would also like the applicant to consider a second pedestrian walkway south of the main driveway – if someone is walking north on the pedestrian path, their first opportunity to turn into the site would be through the driveway which he believed most people would do.

- He noted that all the setbacks had been met with the plan they reviewed.

- The building height needs to be noted on the plan.

- In his review, it was noted that 110 parking spaces were required, the applicant is providing 92 and the Planning Commission has the authority to adjust parking based on actual need.

- Being this is a medical facility and a drive-thru is proposed, he assumed that it was for a pharmacy. The applicant needs to address that use or purpose. He then commented again on the drive-thru circulation concern although switching the drive-thru to the south side of the building, he believed, solved their concerns. He noted that if the drive-thru is used pharmacy purposes – it would be a much less intensive use then the approved Tim Hortons.

- There needs to be confirmation of the lighting fixtures and more detail so they can be compared properly to Gingellville standards.

- Additional signage information should be provided for review as part of the PUD review. He suggested a separate sign plan and said he would be willing to work with the applicant on this.

- Although this is a PUD, part of the underlying zoning is Gingellville Overlay which asks for a community design feature.

Engineer Stevens went over OHM’s review dated July 19, 2018. The following are the comments from the Conclusion of that review.

- There are public utilities available with adequate capacity.
- They also had concerns about the traffic and circulation.
• There was minor concern with grading near the south eastern part of the site near the detention basin, the applicant needs to clarify that and Engineer Stevens believed that details could be worked out during engineering. He wanted to make sure that enough information was provided for site plan.

• Detention calculations and design shall be updated to include the drainage area captured by the existing storm system.
  - The C-factor for landscape area shall be increased to 0.2 to meet the Township recommended minimum.
  - C-factors should be provided for each drainage area to assess the correctness of the C-factor.
  - The area from the western border to the curb shall be included in the drainage areas.
  - The detention pond shall be included in the drainage area calculation. The C-factor for open water is 100.

• The existing storm sewer was installed as a temporary measure and shall be rerouted to outlet into the detention pond prior to discharging into the storm sewer along Baldwin Road that leads to the ultimate outlet.
  - The applicant needs to number the existing manholes/catch basins on the Preliminary Utility Plan Sheet.

• The sanitary sewer easement shall be shown on the topographic survey.

• The easement for the water main and hydrant at the southern border of the site shall be included on the topographic survey. Also, the applicant needs to show the water main that connects to the hydrant.

• The proposed dumpster pad shall be relocated outside of the water main easement, and shall not be placed within the limits of any proposed or existing easements.

• The Fire Department Connection (FDC) shall be included in the plans.

• The sidewalk on site shall provide access to the public pathway along Baldwin Road. There is an existing asphalt walk that extends into the site from the public pathway in the northeast corner of the site. This was the original approved location for the pathway to access the site.

• The proposed 9-foot asphalt pathway in the right-of-way shall be aligned on-center with the existing pathway across the existing drive approach for the site.

• The applicant needs to ensure that pavement slopes fall within the required range set by the Township (1-6% in drive isles, and 1-4% in parking areas).

• The proposed retaining wall shall be shown and called out on the plans on the south side of the detention basin.

• The existing storm sewer from MH 8 to CB EX2 does not have sufficient cover and shall not be used in its existing condition.

• "EX R.O.W. AREA" is called out as 0.602 acres in plan view, but referred to as 0.62 acres in the calculations. The applicant needs to correct the discrepancy.

• Add a detail for proposed parking lot pavement section
• Add a designated loading zone to the plans and provide the required 8-inch concrete pavement section.

• Change the proposed 16-inch water main tap in Baldwin Road to extending the 8-inch water main from Waterstone.

• Reconfigure the site to accommodate an Orion Township fire truck per Township Engineering Standards (a Preliminary plan was provided tonight depicting the relocation of the drive-thru which should now accommodate fire truck maneuverability).

• Relocate the drive-thru to the south side of the building to prevent queuing on the wrong side of a two-way cross-access isle. This will also reduce the amount of wrong way movement on site (again, a Preliminary plan was provided tonight depicting the relocation of the drive-thru). Engineer Stevens commented that if the drive-thru is relocated to the south side, it appears there will then be a lot of pavement there. The applicant should consider possibly shrinking some of that and providing some additional screening – to prevent some of the impact to the southern property owners.

In conclusion, Engineer Stevens said that most of the above items are “clean up comments” and are minor.

Chairman Dunaskiss noted the review from the Fire Marshal dated 7/12/2018 whose recommendation was, “Approved with comments”.

Ms. Thurber replied to the concerns brought up by the consultants as follows:

• The suggested second pedestrian walkway south of the main drive would actually work out well for the site. There is some landscaping planned there as well along with a radius wall to match the wall on the other side of the entrance. Another pedestrian access could be provided.

• The drive-thru is not a pharmacy, that is deed restricted. The owners are working out a lease agreement and the drive-thru will either be coffee oriented or a bank.

• Regarding a community design feature - Ms. Thurber suggested benches and proposes one at the pedestrian entrance as well as one somewhere more to the south end of the site to take advantage of the landscaping and fountain proposed on Baldwin Road.

• She believed they have addressed the circulation issues with the relocation of the drive-thru – that Preliminary proposal should provide better site circulation.

• She agreed there will be additional pavement on the south side of the building if the drive-thru is relocated there. They will most likely add additional landscaping as long as there is a sufficient radius for fire apparatus turn.

• Regarding the detention details, Ms. Thurber spoke to Engineer Stevens and is confident they can resolve those.

• Regarding the parking discrepancy – her calculation was based on Section 9.03 of Ordinance #78, 1 parking space per 250 gross square foot area for medical office. Using that calculation, they would actually be 4 spaces above what is required.

Commissioner Reynolds noted the Site Walk report dated July 26, 2018 in which the committee noticed the same traffic flow items brought up tonight. It was his opinion by moving the drive-thru to the south side of the building would promote less cross traffic and less disturbance to the residents adjacent to the site.
Trustee Steimel commented on the relocation of the drive-thru and agreed the applicant should consider more landscaping on the south side of the building to buffer conversations from the drive-thru speaker box. He also noted that he was confused about the difference between the parking space numbers the Planner came up with and what the applicant proposed. Planner Lewan commented that he stands by their number until they get something else from the applicant. His number shows the applicant is short spaces.

Commissioner Porter asked about the circulation on the revised Preliminary plan – what would the proposed path from Baldwin Road? Ms. Thurber responded the proposed path would be to enter from the entrance from Baldwin Road and to go around the building in the first aisle.

Engineer Stevens had a suggestion regarding relocating the drive-thru to the west side of the building and moving some of the parking however that would mean the building and access to it would have to be reoriented. Ms. Thurber replied she thought of that but being this is a medical building, wanted to have as much parking as possible close to the building.

Trustee Steimel said he was fine with the flow the new proposed plan would generate but wanted to make sure that the drive-thru speaker box is buffered from the residents to the south.

Regarding the speaker box, Ms. Thurber said she pulled information from the old Tim Horton’s approval. Speaker boxes are typically at 64 decibels, conversational speech is 60 decibels, and sound levels drop about 6 decibels each time the distance from the speaker is doubled. Adding more screening along the very south property line on the southside of the detention pond with possibly something like pine trees, would provide buffer year-round.

Chairman Dunaskiss commented he was comfortable with the parking space calculation provided by the applicant. Ms. Thurber commented that their calculation was based on a different section of the Ordinance specific to medical offices rather than RB which is what Planner Lewan based his calculation on.

Commissioner Reynolds said he also supported the parking spaces the applicant was providing.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, that the Planning Commission approve a reduction in the number of parking spaces to 92 spaces, a concession of 18 spaces for Baldwin Medical, LLC.

Discussion on the motion:

Ms. Thurber commented that actually the parking spaces were reduced to 91 due to the relocation of the drive-thru.

Commissioner Porter amended the motion, Vice Chairman Gross re-supported, that the Planning Commission approve a reduction in the number of parking spaces to 91 spaces, a concession of 19 spaces for Baldwin Medical, LLC.

Roll call vote was as follows: Reynolds, yes; Porter, yes; Gross, yes; Walker, yes; Steimel, yes; Dunaskiss, yes. Motion carried 6-0 (St. Henry absent)

Moved by Vice Chairman Gross, seconded by Trustee Steimel, that the Planning Commission forward a recommendation to the Township Board to approve PC-2018-27, Baldwin Medical, Village Square Major PUD Amendment, located on vacant parcels on the southwest corner of Baldwin and Maybee Roads (parcels 09-29-301-084 and 09-29-301-085) for plans received this evening as amended which relocates the drive-thru to the south side of the
building which will improve the traffic circulation on the site, eliminate the fire department’s concern regarding access to the building, prohibits potential stacking in front of the building, and maintains the architectural standard established for the Village Center; further, this amended plan 1) compliments the overall intent of the PUD by adding an office component to the existing residential and retail development in the area, 2) the traffic will not be negatively impacted and the road improvements constructed and coordinated by RCOC will assist in the development of the Gingellville PUD and the Village Center as well as the Township Master Plan, and 3) this proposal will improve the economic impact with surrounding properties and provide additional services for residents in the surrounding area. This recommendation to approve is subject to the following conditions:

- the Township Attorney review the amended PUD Agreement,
- there be additional landscaping added to the south side of the project adjacent to the retention basin,
- the lighting plans be provided in detail, and
- the Engineer’s conclusions, 1 thru 15 noted in their July 19, 2018 review, be incorporated.

Discussion on the motion:

Planning & Zoning Director Girling commented that she did not see where the Fire Department’s comments were addressed. They had concern with the way the site was laid out with the old location of the drive-thru. Being the Fire Marshal hasn’t seen the revised plans, she didn’t know if the relocation of the drive-thru would take care of his concerns. Plus, the Fire Marshal noted that in the PUD documentation it stated the facility would create an increase in ambulance service and therefore requested additional information as to an estimated annual call volume.

Also, Planning & Zoning Director Girling brought to the Commissioners attention that because the drive-thru was not for a pharmacy – she reminded them that Gingellville says that uses are to be RB in nature which does not include drive-thrus, however one was accepted with this PUD.

Vice Chairman Gross amended the motion, Trustee Steimel re-supported, to include that the Fire Department review the revised plan to ensure that access to the building is acceptable.

Roll call vote was as follows: Steimel, yes; Gross, yes; Porter, yes; Reynolds, yes; Walker, yes; Dunaskiss, yes. Motion carried 6-0 (St. Henry absent)

Commissioner Porter asked if a motion is needed for height consideration, it varies 3 feet from the Ordinance requirement? Planner Lewan recommended that a motion should be made.

Moved by Commissioner Porter, seconded by Vice Chairman Gross, that regarding Baldwin Medical, LLC, the Planning Commission grant a 3-foot concession on the height to 28 feet.

Roll call vote was as follows: Walker, yes; Reynolds, yes; Steimel, yes; Gross, yes; Porter, yes; Dunaskiss, yes. Motion carried 6-0 (St. Henry absent)

Harold Flood, 3560 Rohr Road, commented that since the Road Commission is going to put in the safety path, shouldn’t the applicant be responsible for putting money into the Safety Path Fund in lieu putting a path in? Trustee Steimel responded that if a path already exists at a site before the site is built, the developer is not responsible for adding money to the fund. The only
thing the developer would be responsible for, if during construction, they damage or have to take out any of the path, they would have to restore it.

C. PC-2018-30, Michigana Industries, LLC, Ord. 154 Stacking Application
Chairman Dunaskiss explained that the overall applicant has been before the Planning Commission and now the applicant is looking for "stacking" on this particular site. The location has already been permitted per the Township MMFLA Ordinance so now if businesses want to come in and "stack" multiple licenses at it, there is another check in the overall process - to fill out an application to allow for that stacking.

Planning & Zoning Director Girling concurred that the Ordinance does allow for stacking. She noted that the Planning Commission has seen the Ordinance 154 applications and there were a number of licenses issued for that location. When this application was received for a stacking, it was verified that the location where the applicant wanted to "stack" was indeed a location where a permit had been issued. Also, that within the application, it was stated who the applicant was for the location making sure they were stacking under that particular permit.

Planning & Zoning Director Girling said that because the Planning Commission has looked at this location before, she had insured that it meets the Ordinance's requirements on distance from schools, churches and other requirements. She also made sure that the location was approved for, in this case, a Class C Grower.

The recommended motion, if for approval, be conditioned upon a demonstration to the Township that the applicant meets the rules and regulations that are given by the State Medical Marihuana Licensing Board, to demonstrate to the Township that they meet all applicable Township Ordinances including continuing obligations under Ordinance 154, and approval of building plans and satisfactory compliance of all conditions by the Orion Township Building Department and the Fire Department.

Moved by Trustee Steimel, seconded by Commissioner Walker, to approve the Ordinance #154 Stacking Application for PC-2018-30, Michigana Industries, LLC for a Class "C" Grower because they have demonstrated at this time they have met all the Ordinance requirements; further, this approval is subject to the following conditions:

- they continue to demonstrate to the Township that the applicant meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board,
- they demonstrate to the Township that the applicant meets all applicable Township Ordinances including the continuing obligations of Ordinance #154, and
- approval of the building plans and satisfactory compliance of all conditions by the Orion Township Building Department and Fire Department.

Roll call vote was as follows: Reynolds, yes; Gross, yes; Porter, yes; Walker, yes; Steimel, yes; Dunaskiss, yes. Motion carried 6-0 (St. Henry absent)

9. UNFINISHED BUSINESS
None

10. PUBLIC COMMENTS
None

11. COMMUNICATIONS
Township Focus Magazine
CHARTER TOWNSHIP OF ORION BOARD OF TRUSTEES
MINUTES, REGULAR MEETING, MONDAY, OCTOBER 1, 2018

H. Liquor License - Lake Orion Lions Club. Approve the request for a Special One-Day Permit for the Lake Orion Lions Club under Ord. 76, Alcoholic Beverages Regulation, pending State approval, and waive the $300 application fee.

I. Hire Permit Technician – Building Dept. Authorize hiring Jennifer Douglas as Permit Technician - Building, a Level 4 Technical Unit union position at $16.47 per hour, full-time, 40 hours per week, plus benefits, effective October 15, 2018, conditioned upon the candidate passing all pre-employment testing.

J. Building Entry System. Approve the Director of Public Services to contract with Weber Security for the installation of the key card access system and setup at OTFD Station #1. This will include programming, hardware and labor with a not to exceed price of $10,000.00 with funds coming from Buildings and Grounds Capital Outlay with the Accounting Controller to make the necessary budget adjustments.

K. Schedule Board Workshop - Township Hall Plan Review. Schedule a Board Workshop – Township Hall Plan Review for Thursday, October 25, 2018 at 5:00 p.m. to be held at Orion Township Hall.

L. Employee Flu Shot Program. Approve offering to pay $25 for each employee to obtain a flu shot.

Moved by Trustee Flood, seconded by Trustee Birney, to approve the Consent Agenda, as amended. AYES: Dalrymple, Flood, Steimel, Barnett, Shults, Steele ABSENT: None NAYS: None MOTION CARRIED

10. PENDING BUSINESS
A. Central Drive Road Improvement SAD #2 (Action after hearing).
Moved by Clerk Shults, seconded by Trustee Flood, to adopt the Central Drive Road Maintenance SAD #2 Resolution authorizing preparation of the Special Assessment Roll as presented. AYES: Barnett, Shults, Steele, Birney, Dalrymple, Flood, Steimel
ABSENT: None NAYS: None MOTION CARRIED

B. PC-2018-27 Village Square Major PUD Amendment, Baldwin Medical. Moved by Clerk Shults, seconded by Trustee Flood, to declare the first reading of PC-2018-27, Village Square, Major PUD Amendment to have been held on October 1, 2018, and to approve (or deny) the request for Baldwin Medical with a drive-thru, located on vacant parcels on the southwest corner of Baldwin and Maybee Roads (parcels 09-29-301-084 and 09-29-301-085) for plans date stamped received September 21, 2018, including the changes proposed after the Planning Commission meeting on August 1, 2018, as listed in the letter from the applicant's Engineer Carol P. Thurber, dated September 21, 2018 and direct the Clerk to publish for the second reading and possible approval/adoption on October 29, 2018.
AYES: Shults, Steele, Birney, Dalrymple, Flood, Steimel, Barnett ABSENT: None NAYS: None MOTION CARRIED
3. MINUTES
A. 10-2-19, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker to approve the above minutes as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Vice Chairman Gross, seconded by Commissioner Walker, to approve the agenda as presented. **Motion carried**

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

None

6. CONSENT AGENDA

None

Chairman Dunaskiss recessed the regular meeting and opened the Joint Public Hearing with the Board of Trustees at 7:05pm for case PC-2019-48, The Cottages of Gregory Meadows Planned Unit Development (PUD), located at 3537 and 3595 Gregory Rd. (parcel #09-31-200-006 and 09-31-200-008). The applicant, Pulte Homes of Michigan LLC, is proposing to rezone the property from Suburban Farms (SF) to Planned Unit Development (PUD) to construct 72 condominium units on approximately 32.75 acres.

Supervisor Barnett opened the Joint Public Hearing for the Township Board of Trustees at 7:05pm.

Moved by Trustee Flood, seconded by Trustee Birney to close the special meeting of the Township Board at 9:18pm. **Motion Carried**


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Chairman Dunaskiss recessed the meeting at 9:18pm.
Chairman Dunaskiss reconvened the meeting at 9:25pm

7. NEW BUSINESS

A. **PC-2018-27, Baldwin Medical, Village Square Major PUD Amendment Site Plan Extension**, located on 2 vacant parcels (09-29-301-084 & 09-29-301-085) south of 3520 S, Baldwin Rd.

Chairman Dunaskiss asked the petitioner to give an overview of their request.

Mr. Michael Rich on behalf of Baldwin Medical Investments, LLC, presented.

Mr. Rich stated that this was their first request for an extension, they had hoped to already have ground broken this year. They ran into a couple of hiccups but they were hoping within the next 90 days to get in the last of the paperwork to the Township and by spring have shovels in the ground. They were hoping for a one-year extension but were expecting to break ground in the spring. He explained, this is a (PUD) that has already been existing for 15 years, this is a third amendment, and it is taking awhile to get all the owners on board to agree to the amendment to the (PUD). The proposed project remains as it is, it is a two-story commercial building the
second floor will be medical, the first floor will be mainly retail with possibly an urgent care as well on the first floor.

Chairman Dunaskiss asked if there were any main tenants yet?

Mr. Rich replied that they have not signed any leases.

Chairman Dunaskiss questioned regarding the self-financing so there will be no contingency with the preleasing before it going forward with the shovel in the ground?

Mr. Rich answered there are nine members of the LLC which are all financially wealthy and can finance most of it internally.

Moved by Vice Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approves the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment site plan for one (1) year. This approval is based on the following facts that the petitioner is proceeding with the development and that the construction on Baldwin Rd. over the last year and is expected to last another year and may have impacted the development potential of the property.

Roll call vote was as follows: Walker, yes; Steimel, yes; Gross, yes; Dunaskiss, yes. Motion carried 4-0

B. PC-2016-30, KPMF-USA Expansion, Site Plan Extension, Located at 67 Kay Industrial Dr. (parcel 09-35-200-025).

Mr. Sam Ashely with Cunningham-Limp, presented.

Mr. Ashely stated that Cunningham-Limp is the construction firm that has been engaged by KPMF, he also had a representative from KPMF as well to address any questions.

Mr. Ashely noted that his firm was bought at the end of August of this year with the direction to go forward. This project previously has received site plan approval as well as an initial extension to it. The engineer drawings had been completed and submitted to OHM, approval letters had been issued. He explained that as the construction partner, their first goal was to go forward and secure the civil related permits, schedule a pre-con with OHM, and commence the site work construction. In September of this year the business was sold to ORAFOL International who is headquartered out of Georgia. The goal is to move forward with the project. The equipment that will go into the expansion space will need to be evaluated by the new owners. They need time to become familiar with what was previously put together. They are seeking a one (1) year extension for their site plan. If there are modifications needed to the approved site plan, they would bring that back to the Planning Commission before any work would commence.

Trustee Steimel said normally he would say, knowing who was here, that they are moving forward with construction, but he would say with what just recently happened, it is all up in the air now, which is disconcerting. They don’t even know if this is going to happen. They have already granted two extensions on this and has taken quite a while. If it would have been the original applicant, it would have been much easier, but now he is concerned that they are going to grant this extension.

Mr. Ashley stated that the current ownership is more excited about this expansion, or at least what had been shared with him, and it is truly their intent of moving forward. The expansion
CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
***** MINUTES *****
REGULAR MEETING, WEDNESDAY, NOVEMBER 4, 2020

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, November 4, 2020, at 7:00pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360

*Please note this meeting was also available virtually via a “GoToMeeting” #599-669-285*

PLANNING COMMISSION MEMBERS PRESENT:
Don Walker, PC Rep to ZBA
Don Gross, Commissioner
Kim Urbanowski, Commissioner
Scott Reynolds, Vice Chairman
Joe St. Henry, Secretary
John Steimel, BOT Rep to PC

PLANNING COMMISSION MEMBERS ABSENT:
Justin Dunaskiss, Chairman

1. OPEN MEETING
Acting-Chairman Reynolds opened the meeting at 7:00 pm

2. ROLL CALL
As noted

CONSULTANTS PRESENT:
Eric Fazzini (Township Planner) of Giffels Webster
Mark Landis, (Township Engineer) of OHM Advisors
Dan Kelly, (Township Attorney) of The Kelly Firm (via GoToMeeting)
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Michael McPherson
John Gaber
Mike Rich
Todd Hamula

3. MINUTES
A. 10-21-2020, Salon Blue Special Land Use Hearing Minutes
B. 10-21-2020, Planning Commission Regular Meeting Minutes

Moved by Trustee Steimel, seconded by Commissioner Walker, to approve the minutes as presented.

4. AGENDA REVIEW AND APPROVAL
Moved by Trustee Steimel, seconded by Commissioner Gross, to approve the agenda as presented.

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY
None

6. CONSENT AGENDA
None

7. NEW BUSINESS
A. PC-2018-27, Baldwin Medical, Village Square Major PUD Amendment Site Plan Extension, located on 2 vacant parcels (09-29-301-084 & 09-29-301-085) south of 3520 S. Baldwin Rd.

Acting-Chairman Reynolds asked if the applicant was present.
Mr. Michael Rich 26020 Radolf Place, Oak Park, MI 48237 the applicant presented.

Mr. Rich noted that he was the attorney for the project. He said that they weren't sure that they were going to need to be there, they missed by a couple of weeks getting everything done before the approval ran out. He added that in the last year things went slower than usual and that their biggest holdup was getting the amended PUD executed with parties in multiple states. It showed up right as everybody closed down. He said that is now on record, the Township has signed off and it has been recorded. The projects engineer has been working with the Township's engineering council OHM and they are waiting to hear back from them. He thought it was very close. He added that once they approve that there are a few more fees to be paid and would be determined by the final engineering, and then pre-construction and soil permits will be pulled.

Acting-Chairman Reynolds asked if there was a timeframe that they were requesting for the extension? Mr. Rich replied one year for the technicalities but expected things would start before winter.

Commissioner Gross said that it appeared that there was been activity relative to moving this project. He said that the delays caused by COVID he didn't see any reason why an extension wouldn't be appropriate. He thought that for everybody's protection the one-year extension should be able to satisfy the schedule. Acting-Chairman Reynolds said that he didn't have any issues with that, he thought that they were moving forward and it had been a challenging year.

Moved by Commissioner Gross, seconded by Trustee Steimel, that the Planning Commission approves the site plan extension request for PC-2018-27, Baldwin Medical/Village Square Major PUD Amendment Site Plan for one year from the last extension. This approval is based on the following facts: the applicant has been making progress with submissions to the engineering consultants and the delays caused by COVID.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel yes; Gross; yes, Urbanowski, yes. Motion carried 6-0. (Dunaskiss absent)

B. PC-2020-24, Firestone Complete Auto Care Site Plan, located at 545 N. Lapeer Rd. (parcel 09-02-177-014) and 25 Indianwood Rd. (parcel 09-02-177-013).

Acting-Chairman Reynolds asked if the applicant was present?

Mr. John Gaber 380 N. Old Woodward, Birmingham the attorney for the applicant.

Mr. Michael McPherson with Atwell Two Town Square Suite 700, Southfield presented.

Mr. McPherson stated that they were there before them to ask for site plan approval of the proposed Firestone at the corner of Indianwood and Lapeer Rd. He said this was a site that went through a rezoning process and then concluded with a consent judgment. He stated that the site is zoned GB which would be a permitted use for this particular facility. He noted that the site has access from Indianwood and from the reconstructed Axford St. The plan as submitted does represent the reconstruction that MDOT just undertook this year. He added that they did receive comments from the Township Planner, Engineer, and Fire Department. They went through all of those in detail and addressed those comments. They just got back with the Township staff a couple of days ago. He wanted to run through the comments and outline how they plan to address them.

Mr. McPherson started with the Planner's comments. The first Planner's comment was
Ms. Girling,

Since the Orion Township Planning Commission agenda for September 15 has been firmed up, please place Baldwin Medical on the October 6, 2021 agenda to request a 1 year extension of the site plan. I will attend the meeting on that date.

Please contact me with any comments or issues in regards to this request.

Michael "Mike" Rich, esq.
248-709-2235
TO: The Charter Township of Orion Planning Commission
FROM: Tammy Girling, Zoning/Planning Director
DATE: September 29, 2021
RE: PC-2021-70, Grandview Rezone Request

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions’ findings of facts. Any additional findings of facts should be added to the motion below. Please note that it was suggested to me that on matters that involve rezonings, PUD’s, Special Land Uses or variances that I provide language indicating that the matter can be approved or denied.

Rezone Request (Ord. 78, Section 30.04)
Motion: I move that the Planning Commission forwards a recommendation to the Township Board to approve/deny PC-2021-70, Grandview – Lapeer Road Rezone Request, the request is to rezone approx. 17.44 acres of 3120 S. Lapeer Road (parcel #09-26-151-019) from Recreation 2 (Rec-2) to Multiple Family Residential (RM-2), and approx. 4.21 acres from Recreation 2 (Rec-2) to General Business (GB). This recommendation to approve/deny is based on the following findings of facts:

a. The objectives of the Master Plan (Insert findings of facts),
b. Existing uses of property within the general area of the property in question (Insert findings of facts),
c. The zoning classification of property within the general area of the property in question (Insert findings of facts),
d. The suitability of the property in question to the uses permitted, under the existing zoning classification (Insert findings of fact),
e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification (Insert findings of facts).
f. Any additional findings of facts.
Rezoning Review
Request: from Rec-2 to RM-2 & GB (General Business)

Case Number: PC-2021-70
Address: 3120 South Lapeer Road
Parcel ID: 09-26-151-019
Area: 21.65 AC
Applicant: Sharon Weger

Plan Date: 6/17/21
Zoning: Rec-2
Proposed: RM-2 & GB
Reviewer: Matt Wojciechowski
Reviewer: Rod Arroyo

Dear Planning Commission Members:

We have completed a review of the request for rezoning referenced above and a summary of our findings is below. Items in **bold** require specific action. Items in *italics* can be addressed administratively. A summary of the requested Planning Commission action is provided on the next page.
30.04 Amendments to the Zoning Ordinance

Findings of Fact and Recommendation of the Planning Commission. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the public hearing and the proposed Ordinance amendments, including any maps and recommendations make written findings of fact and transmit same, together with its recommendation, to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary, or if requested.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based on the evidence presented to it with respect to the following matters:

a. The objectives of the Township’s Master Plan.

b. Existing uses of property within the general area of the property in question.

c. The zoning classification of property within the general area of the property in question.

d. The suitability of the property in question to the uses permitted under the existing zoning classification.

e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

SUMMARY OF FINDINGS

Existing Conditions

1. Site. The site is located on the west side of Lapeer Road, south of Waldon Road, adjacent to the Bald Mountain State Recreation area. The site is currently zoned Rec-2 and lies within the Lapeer Overlay District. The property was the home of the former Willow Creek Golf and Sports center, a private recreation business that featured a golf range and various other sporting activities.

Zoning Map
Items to Consider for Zoning Map Amendment:

1. Is the proposed zoning consistent with the Master Plan?

   The Future Land Use Map designates this area as a private recreation area. Private Recreation areas are located where private recreation facilities were in operation at the time the map was adopted in 2015. The majority of private recreation areas are associated with a golf course and/or a private conservation easement. These uses are scattered throughout the Township, with the greatest concentration within the northern portions of the community. The correlating zoning classifications are the REC-1, and REC-2, Recreation zoning districts.

   The proposed zoning would align with the Multiple Family Low Density and General Commercial FLU designations, which envision the following:

   **Multiple Family Medium Density Residential** is planned for areas primarily within the southwestern portion of the Township with only one pocket located adjacent to Lapeer Road and south of the Village of Lake Orion. Unlike the low-density multiple family areas, these areas have pre-existing development, with limited available land for expansion. However, the remaining areas planned for such uses could be developed at a density of between 7 to 9 dwelling units per acre depending on the number of rooms per unit (defined in the Zoning Ordinance). The proximity to a major thoroughfare, utilities, commercial amenities and the limited presence of significant nature resources has made these areas suitable for.

   **General Commercial** is planned along the Baldwin and Lapeer Road corridors and is intended for commercial uses that supply a larger and more diversified number of goods than those in the Neighborhood Commercial classification. The intended character of these areas is comparable to those permitted within the General Business (GB) zoning districts which includes a wide range of regional commercial uses such as large-format retail, supermarkets and drugstores, discount stores, department stores along with facilities such as automobile dealers, other vehicle related services, and commercial recreation.

2. What other impact would the requested zoning have on public services, utilities, and natural features?

   **Density:** This area is currently served by public utilities; however, future land use considerations have not previously anticipated any multiple family residential or increased commercial activity on this site. The current zoning, Rec-2, does not permit residential or commercial uses on the site. The applicant’s proposal indicates a proposed maximum density of 8 units per acre for a potential of up to 173 units.

   **Natural Features:** The site contains a drain / surface water feature (see map on page 5 below). The limited presence of significant natural features limits the recreation opportunities permitted under the current zoning.

   **Public Services:** We defer to comments from the public safety and fire departments regarding the impact this proposed development would have on public services.

www.giffelswebster.com
3. Has the Applicant provided evidence that the property cannot be developed or used as zoned?

   The Applicant stated the property has previously been used as a golf driving range; however, the market is unable to sustain that previous use. Further, the applicant notes that the site has very limited natural features that warrant permitted uses within the Rec-2 district.

4. Is the proposed zoning district (and potential land uses) compatible with surrounding uses?

   The surrounding land uses, which are comprised primarily of single family and office on the west side of Lapeer Road, and residential (including multiple family) on the east, are generally compatible with the residential uses proposed. Proposed density is higher than adjacent single-family developments that abut the site to the west.
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<tr>
<th>Direction</th>
<th>Zoning</th>
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<tr>
<td>North</td>
<td>OP</td>
<td>Orion Animal Care center</td>
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<td>East</td>
<td>Rec-2, RM-1 &amp; R-1</td>
<td>Bald Mountain, Orion Woods, Hi Hill</td>
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<tr>
<td>South</td>
<td>OP</td>
<td>EventNext (marketing office)</td>
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<tr>
<td>West</td>
<td>R-2</td>
<td>Single Family Homes</td>
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5. Will the proposed zoning place a burden on nearby thoroughfares? If so, how would this burden compare with the existing zoning district?

_The addition of 170+ units and new commercial square footage would add additional traffic the Lapeer Road thoroughfare. It is unclear how this traffic increase compares to the past use._

6. Is there other land currently available for this use?

_There does not appear to be any other tracts of undeveloped land zoned RM-2 in the township._

7. Will development of the site under proposed zoning be able to meet zoning district requirements?

_No conceptual site plan was submitted demonstrating compliance with the proposed RM-2 or GB standards._

8. Is rezoning the best way to address to the request or could the existing zoning district be amended to add the proposed use as the permitted or special land use?

_The site will need to be rezoned in order for any significant development, commercial or residential, to take place, as the current recreation zoning designation allows for recreation and educational uses. It would not be appropriate to amend the Rec-2 district to permit multiple family residential._

9. Has there been a change in circumstances and conditions since adoption of the Master Plan that would support the proposed change?

_The future land use designation of private recreation on the subject property reflected the use on the property when the master plan was adopted in 2015. A 2022 update is underway._

10. Would granting the request result in the creation of an unplanned spot zone? Spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of a single property owner and to the detriment of others (Rogers v. Village of Tarrytown, 96 N.E. 2d 731). Typically, to determine if a rezoning would constitute spot zoning a municipality would look to answer three questions.

- Is the rezoning request consistent with the Master Plan for the area?

_The request is not consistent with the 2015 (current) Master Plans._

- Is the proposed zoning district a logical extension of an existing zoning district in the area?

_If rezoned, the site would generally reflect the character of the Lapeer Road corridor, as both uses are found within the surrounding area, although not abutting the site. The area directly south of the parcel is planned for mixed use development, and this request would effectively amount to an extension of that proposed use._

- Would approving the request grant a special benefit to a property owner or developer?

_The Planning Commission should review and consider whether or not this applies._
Respectfully,

Giffels Webster

Rodney L. Arroyo, AICP
Partner

Matt Wojciechowski
Associate Planner

www.giffelswebster.com
Dear Tammy,

The Department of Public Services has reviewed the above-mentioned project and has no issues or concerns at this time.

If you have any questions, please contact me.

Respectfully Submitted,

Jeffery T. Stout
Director
Department of Public Services
Charter Township of Orion Planning Commission

Rezoning Application

30.04, Amendments to the Zoning Ordinance: Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

Project Name: Grandview - Lapeer Road Rezoning

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<tr>
<th>Name</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Joseph P. Salome</td>
<td>(586) 795-2105</td>
<td><a href="mailto:jsalome@grandviewcompanies.com">jsalome@grandviewcompanies.com</a></td>
</tr>
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<th>Name</th>
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<tbody>
<tr>
<td>Sharon Weger Living Trust</td>
<td>(586) 854-6501</td>
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* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

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<tr>
<td>Felino Pascual &amp; Assoc.</td>
<td>(586) 854-6501</td>
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<th>Name</th>
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<tr>
<td>Patrick Meagher, AICP</td>
<td>(586) 343-6108</td>
<td><a href="mailto:psm@cpmpc.com">psm@cpmpc.com</a></td>
</tr>
</tbody>
</table>
Sidwell Number(s): 09-26-151-019

Location or Address of Property: 3120 South Lapeer Road

Side of Street: West Nearest Intersection: S. of Waldon Rd, West side of Lapeer Rd

Acreage: 21.65 Acres Current Use of Property: Golf Driving Range

Frontage (in feet): 1,138 Feet Depth (in feet): Varies (Appx. 878 feet)


Is the complete legal description printed on the site plan? ☑ Yes ☐ No (if no please attach to the application)

Requested Zoning Classification: RM-2 (17.44 Ac) & GB (4.21 Ac)

Existing Use of Property: Golf Range & Sports Proposed Use of Property: Apartment / Commercial

Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership: This zoning will provide an opportunity to transition from single-family use to the west & M-24 & Multiple-Family to the East. The market for office, as found to the north & south is weak and not expected to recover anytime soon.

Explain why the existing zoning classification is no longer appropriate:

The market is unable to sustain the current use and the property has limited natural features to warrant other permitted uses of the current zoning district. The ITC corridor running across the southern portion of the site provides a significant limitation to the full use of the roughly 22 acres.

Explain why the proposed rezoning will not be detrimental to surrounding properties: The multiple-family zoning will provide a transition from the single-family to the west and M-24 to the east. The GB will be compatible with the OP zoning to the north and south.
I/We, the undersigned, do hereby submit this application for Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.04 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: ___________________________ Date: _______________________

Print Name: Joe Salome, President, Grandview Construction, Inc.

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner: ___________________________ Date: 6/17/17

Print Name: ___________________________
I/We, the undersigned, do hereby submit this application for Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.04 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: [signature]  Date: 7/19/21

Print Name: Joe Salome, President, Grandview Construction, Inc.

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner: [signature]  Date: 6/17/21

Print Name: [signature]
July 7, 2021

Tammy Girling
Charter Township of Orion
Director, Planning & Zoning
2525 Joslyn Road
Lake Orion, MI 48360

Re: 3120 S. Lapeer Road; Re-Zoning Application

Dear Mr. Ossipove and Ms. Girling,

This is to confirm that my client, Sharon Weger, as Trustee of the Sharon Weger Living Trust, and Seller of the property commonly known as 3120 S. Lapeer Road, wholeheartedly consents to and supports the efforts of Grandview Building, Inc. to obtain re-zoning of the property to permit its planned development outlined in the Rezoning Application. The property currently is utilized as a golf driving-range, putt-putt course, and sports complex. My client is concerned that her existing business will become non-conforming and, if the Buyer ultimately elects not to consummate the sale, the business value would suffer. She wishes only to express her desire that in the event the sale of the property does not occur I would prefer the zoning revert back to the existing Rec-2. She is not insisting upon any special conditions to a re-zoning and is only making known her preference if such a reversion is available.

Thanking you for your attention, I remain,

Very truly yours,

James R. Porritt, Jr.
Willow Creek Golf and Sports Center Redevelopment
3120 S Lapeer Road- Orion Twp

1. Aerial
2. Zoning Map
3. Future Land Use Map
4. Photos from Lapeer Road
Future Land Use Plan
Charter Township of Orion
Oakland County

Source: Oakland County Planning & Economic Development Services, 2013
June 5, 2015
Carlisle / Wortman Associates, Inc.
As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions’ findings of facts. Any additional findings of facts should be added to the motion below. Please note that it was suggested to me that on matters that involve rezonings, PUD’s, Special Land Uses or variances that I provide language indicating that the matter can be **approved or denied**.

### Rezone Request (Ord. 78, Section 30.04)

**Motion:** I move that the Planning Commission forwards a recommendation to the Board of Trustees to **approve/deny** PC-2021-71, F & D Silverbell Request, the request is to rezone approx. 23.05 acres of vacant parcel (09-35-100-019) located at the SW corner of Silverbell and Lapeer Road from Office Professional (OP) to Industrial Park (IP), and approx. 7.02 acers from Office Professional (OP) to General Business (GB). This recommendation to **approve/deny** is based on the following findings of facts:

a. The objectives of the Master Plan (Insert findings of facts),
b. Existing uses of property within the general area of the property in question (Insert findings of facts),
c. The zoning classification of property within the general area of the property in question (Insert findings of facts),
d. The suitability of the property in question to the uses permitted, under the existing zoning classification (Insert findings of fact),
e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification (Insert findings of facts).
f. Any additional findings of facts.
Rezoning Review
Office Professional (OP) to Industrial Park (IP) & General Business (GB)

Case Number: PC-2021-71
Address: Silverbell Road @ Lapeer (SW Corner)
Parcel ID: 09-35-100-019
Area: 30.07 AC
Applicant: F & D Silverbell Company, LLC

Plan Date: 09/07/21
Zoning: OP
Proposed: IP & GB
Reviewer: Matt Wojciechowski
Rod Arroyo

Dear Planning Commission Members:

We have completed a review of the request for rezoning referenced above and a summary of our findings is below. Items in **bold** require specific action. Items in *italics* can be addressed administratively. A summary of the requested Planning Commission action is provided on the next page.
30.04 Amendments to the Zoning Ordinance

Findings of Fact and Recommendation of the Planning Commission. Following the public hearing, the Planning Commission shall transmit a summary of comments received at the public hearing and the proposed Ordinance amendments, including any maps and recommendations make written findings of fact and transmit same, together with its recommendation, to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary, or if requested.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based on the evidence presented to it with respect to the following matters:

a. The objectives of the Township’s Master Plan.
b. Existing uses of property within the general area of the property in question.
c. The zoning classification of property within the general area of the property in question.
d. The suitability of the property in question to the uses permitted under the existing zoning classification.
e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

SUMMARY OF FINDINGS

Existing Conditions

1. Site. The site is located on the west side of Lapeer Road, south of Silverbell, at the southwest intersection of the roads. The site is zoned Office Professional and lies within the Lapeer Road Overlay District. The site is currently vacant.
Items to Consider for Zoning Map Amendment:

1. Is the proposed zoning consistent with the Master Plan?

   The Future Land Use Map designates this area as a future mixed-use area, which are planned to provide a mix of industrial, commercial and residential uses in the area near Brown Road between Baldwin and Joslyn and along Lapeer Road between Brown and Waldon. The intent is a mix of industrial, residential, commercial, medical and office uses and ancillary commercial uses within a well-planned business setting.

2. What other impact would the requested zoning have on public services, utilities, and natural features?

   **Density:** No residential uses are proposed with this request.

   **Natural Features:** There appears to be surface water (drainage ditches) present on the site; it is unclear if there are any regulated wetlands or additional features. The site also appears to have been cleared of all vegetation.

   **Public Services:** The uses appear to align with the planned demand on the public facilities.

Natural Features Map
3. Has the Applicant provided evidence that the property cannot be developed or used as zoned?

The Applicant stated the owner had received approval for an office park that met the standards of the OP district in the early 2000’s; however, a lack of interest in the development led to the site sitting vacant. Marketing the property as office since that point has not led to any interest, while conversely there has been ample interest in industrial and commercial uses.

4. Is the proposed zoning district (and potential land uses) compatible with surrounding uses?

The surrounding land uses, w

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>GB &amp; IP</td>
<td>Car Dealership &amp; Industrial</td>
</tr>
<tr>
<td>East</td>
<td>OP</td>
<td>Genesys Credit Union Office</td>
</tr>
<tr>
<td>South</td>
<td>LI</td>
<td>Industrial Research Park</td>
</tr>
<tr>
<td>West</td>
<td>IP</td>
<td>Industrial Warehousing</td>
</tr>
</tbody>
</table>

5. Will the proposed zoning place a burden on nearby thoroughfares? If so, how would this burden compare with the existing zoning district?

The addition of new industrial and commercial square footage would add additional traffic the Lapeer Road thoroughfare. It is unclear how this traffic increase compares to the current permitted office uses. Mini-storage, warehousing and limited general retail uses are currently permitted as special land uses under the existing OP zoning district.

6. Is there other land currently available for this use?

There are limited vacant parcels located on Lapeer Road within the Lapeer Road Overlay District.

7. Will development of the site under proposed zoning be able to meet zoning district requirements?

No conceptual site plan was submitted demonstrating compliance with standards. There appears to be adequate depth to the commercial frontage for development.

8. Is rezoning the best way to address the request or could the existing zoning district be amended to add the proposed use as the permitted or special land use?

The OP district lists mini-storge and warehousing as special land uses and it appears that use is supported. General Retail uses permitted as special land uses are limited to “Retail and Service uses incidental to the primary office/research and development uses.”

9. Has there been a change in circumstances and conditions since adoption of the Master Plan that would support the proposed change?

The future land use designation of Industrial/Commercial/residential mixed use is still applicable for this site. The current 2022 Master Plan update is in process.

10. Would granting the request result in the creation of an unplanned spot zone? Spot zoning is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of a single property owner and to the detriment of others (Rogers v. Village of Tarrytown, 96 N.E. 2d 731). Typically, to determine if a rezoning would constitute spot zoning a municipality would look to answer three questions.

www.giffelswebster.com
- Is the rezoning request consistent with the Master Plan for the area?
  The request is consistent with the 2015 [current] Master Plan FLU designation.
- Is the proposed zoning district a logical extension of an existing zoning district in the area?
  If rezoned, the Light Industrial zoning district abutting the west side of the site would be extended east. The GB zoning would also match the GB zoning located on the northwest corner of the Silverbell/Lapeer Road intersection, directly north of the site across the street.
- Would approving the request grant a special benefit to a property owner or developer?
  The Planning Commission should review and consider whether or not this applies.

Future Land Use Map
Respectfully,
Giffels Webster

Rodney L. Arroyo, AICP
Partner

Matt Wojciechowski
Associate Planner
Charter Township of Orion Planning Commission
Rezoning Application

30.04, Amendments to the Zoning Ordinance: Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.

Project Name: F & D Silverbell

Name: F & D Silverbell Company, LLC
Address: 38700 Van Dyke Suite 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640
Cell: 586-977-7946
Fax: 586-977-7946
Email: sdagostini@dagostini.net

Name: F & D Silverbell Company, LLC
Address: 38700 Van Dyke Suite 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640 ext 229
Cell: 586-977-7946
Fax: 586-977-7946
Email: sdagostini@dagostini.net

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

Name: Atwell (engineer: Eric Lord)
Address: 12745 23 Mile Road, Ste 200
City: Shelby Township
State: MI
Zip: 48315
Phone: 586-786-9800
Cell: 586-786-9800
Fax: 586-786-9800
Email: elord@atwell-group.com

Name: Sara D'Agostini
Address: 38700 Van Dyke, Ste 200
City: Sterling Heights
State: MI
Zip: 48312
Phone: 586-977-8640 ext 229
Cell: 586-405-4143
Fax: 586-977-7946
Email: sdagostini@dagostini.net
Sidwell Number(s): 09-35-100-019

Location or Address of Property: Southwest corner of M-24 (Lapeer Road) & W Silverbell Road

Side of Street: SW corner Nearest Intersection: Lapeer Road & W Silverbell Road

Acreage: 30.087 acres Current Use of Property: Vacant land with Billboard at SE corner

Frontage (in feet): Approx 1,005' (M-24) & 1,218' Silverbell Depth (in feet): Approx 1,066 (from Silverbell) & 1,204 (from M-24)

Subject Property Zoning: OP Adjacent Zoning: N GB/OP S LI E OP W IP

Is the complete legal description printed on the site plan? ☒ Yes ☐ No (if no please attach to the application)

Requested Zoning Classification: Industrial Park and General Business

Existing Use of Property: Vacant land with billboard Proposed Use of Property: Industrial and retail/commercial

Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership: Please see attached pages for response to this question.

Explain why the existing zoning classification is no longer appropriate: Please see attached pages for response to this question.

Explain why the proposed rezoning will not be detrimental to surrounding properties: Please see attached pages for response to this question.
I/We, the undersigned, do hereby submit this application for Rezoning, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.04 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

Signature of Applicant: ___________________________ Date: 9/7/2021

Print Name: F & D Silverbell Company, LLC

By: P. Eugene D'Agostino, Jr., Manager

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

Signature of Owner: ___________________________ Date: 9/7/2021

Print Name: F & D Silverbell Company, LLC

By: P. Eugene D'Agostino, Jr., Manager
Charter Township of Orion
Planning & Zoning Department
2525 Joslyn Rd., Lake Orion MI 48360
P: (248) 391-0304 ext. 5002; Fax (248) 391-1454

Project Name F & D Silverbell
PC# Parcel#(s) 09-35-100-019

Please select an option below:

☑️ Permission to Post on Web Site
By signing below as applicant and on behalf of my consultants, we agree to allow the plans for the above named project, in which approval is being sought by the Planning Commission and/or Township Board, to be posted on the Township website.

[Signature]
Signature of Applicant

9/7/2021
Date

F & D Silverbell Company, LLC
Printed Name of Applicant

By: [Signature] Vice Manager
Attachment to Rezoning Application for F & D Silverbell

**Explain why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.**

The Subject Property is an undeveloped 30.087-acre parcel, located on the Southwest corner of W Silverbell and Lapeer Roads. The Subject Property is currently zoned Office Professional (OP). The Subject Property is master planned by the Township for Industrial/Commercial/Residential Mixed Use.

The proposed Industrial Park (IP) and General Business (GB) zoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership. For over 20 years, the Applicant has owned (directly or through its affiliates) the Subject Property. In the early 2000s, Applicant’s affiliate designed, engineered, and marketed a development on the Subject Property that contained a higher office finish, compliant with OP zoning. At the time, and since, there has been no viable interest in such use or other uses that fall within the OP zoning.

In contrast to OP, there has been ample interest in uses that fall within IP and GB zoning uses. Accordingly, a rezone to IP and GB classification would allow for successful development of the Subject Property, and the preservation and enjoyment of rights associated with ownership of the Subject Property.

It is further noted that IP and GB zoning fall within the Township’s master planning.

**Explain why the existing zoning classification is no longer appropriate.**

As described above, the OP zoning is no longer appropriate because since the early 2000s, there has been little market interest in such use and no viable development proposals for the Subject Property under the OP zoning. The proposed GB zoning on the Eastern portion of the Subject Property will satisfy a general market need for retail establishments at a key intersection of Orion Township, and along major thoroughfares. The proposed IP zoning on the Western portion of the Subject Property will satisfy market need, as evident by the successful industrial developments of the adjacent properties to the West and South.

It should be noted that the proposed zoning would mirror the IP/GB zoning of the similarly situated parcel to the North (across Silverbell), which contains Lapeer and Silverbell frontage. Additionally, the proposed zoning would be consistent with the Township’s master plan.

**Explain why the proposed rezoning will not be detrimental to surrounding properties.**

Development of the Subject Property under the proposed IP and GB zoning will not be detrimental to surrounding properties, as it is consistent with the adjacent properties. To assist in explanation, the following is a summary of the surrounding properties:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
<th>Parcel Ids</th>
</tr>
</thead>
<tbody>
<tr>
<td>North (across Silverbell)</td>
<td>General Business &amp; Industrial Park</td>
<td>Vacant</td>
<td>09-26-300-013</td>
</tr>
</tbody>
</table>
| South      | Light Industrial             | Industrial | 09-35-100-008
|            |                               |          | 09-35-100-009
|            |                               |          | 09-35-100-017            |
| East (across M24) | Office Professional | Genisys Credit Union; Vacant | 09-35-200-020  
|                  |                    |                             | 09-35-200-002  
|                  |                    |                             | 09-35-200-032  
| West             | Industrial Park    | Industrial                  | 09-35-100-020  |

The proposed IP and GB zoning would mirror the IP/GB zoning of the similarly situated parcel to the North (across Silverbell), which contains Lapeer and Silverbell frontage. The proposed IP zoning on the Western portion of the Subject Property is consistent with the industrial uses of the properties to the West and South. Accordingly, development of the Subject Property under the proposed IP and GB zoning will not be detrimental to surrounding properties.
As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions’ findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Covered Trash Area Waiver (Ord. No. 78, Section 16.03H and 35.04 B5)**

Motion 1: I move that the Planning Commission grants/does not grant a covered trash area waiver for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (09-35-100-010) for plans date stamped received September 13, 2021, based on the following findings of facts (motion maker to insert findings of facts).

- The applicant has/has not demonstrated that based on the nature of the operation being proposed the amount of trash generated can be adequately disposed of without the use of an outside trash receptacle.
- List any other reasons

If approved the approval is based on the following conditions:
  a. Motion maker to insert any conditions.

**Lapeer Overlay Development Standards Waiver (Ord. No. 78, Section 35.04D)**

Motion 2: I move that the Planning Commission grants/does not grant an internal sidewalk waiver and building façade waiver for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (09-35-100-010) for plans date stamped received September 13, 2021, based on the following findings of facts (motion maker to insert findings of facts).

The applicant has/has not demonstrated that:

- The standards required would prevent reasonable use of the site
- The existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.
- Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirement.

**Site Plan (Ord. No. 78, Section 30.01)**
Motion 3: I move that the Planning Commission grants site plan approval for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (parcels 09-35-100-010) for plans date stamped received September 13, 2021. This approval is based on the following conditions:

a. (Motion maker to list any unresolved issues).

Or

I move that the Planning Commission denies site plan approval for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S Lapeer Rd. (parcel 09-35-100-010) for plans date stamped received September 13, 2021. This denial is based on the following reasons (insert findings of facts).

Or

I move that the Planning Commission postpones site plan approval for PC-2021-58, MPD Welding Site Plan Modification, located at 4200 S. Lapeer Rd. (parcel 09-35-100-010) for plans date stamped received September 13, 2021 for the following reasons (motion maker to indicate outstanding items to be addressed from the Planner’s and Engineer’s review letter(s)).
Site Plan Review #2
MPD Welding - Addition

Case No: PC-2021-58
Address: 4200 S. Lapeer Road
Acreage: 4.0 acres
Applicant: Kemp Building & Development
Plan Date: 09/13/2021
Zoning: LI Limited Industrial, Lapeer Road Overlay
Parcel ID: 09-35-100-010
**Project Summary**
The applicant is proposing a 7,200 square foot manufacturing shop addition to an existing 15,878 square foot industrial building. The subject site is located between Brown and Silverbell Roads and consists of 176,312.50 square feet (4.05 acres). The property is three parcels west of S. Lapeer Road and is accessible via a private roadway easement called Engelwood Drive. The use matrix for the LI District permits manufacturing buildings and uses, including offices related to the principal use, by right.

**Building**
The existing building is approximately 100 feet wide by 190 feet long with a height of 30’ to the top of the highest roof. The existing floor plan consists primarily of manufacturing shop space with adjacent office uses. The proposed building layout includes a single-story extension of the manufacturing floor to the north by 60’. The building’s facades will be constructed with pre-manufactured, insulated wall panels above painted concrete block. Although no side of the property fronts a street, the east side of the building, and resulting yard, is considered the front. The entrance to the office portion of the building and one loading dock will be remain located on the east side of the building, as will the existing 32-space parking lot. An additional access drive will be provided along the west side in order to accommodate commercial delivery vehicle access to the rear loading docks.

**SUMMARY OF REVIEW**

1. **16.01. Use.** The site plan, Sheet SP2, identifies proposed heavy duty asphalt paving between the proposed addition and the east property line. The applicant confirmed there is no outdoor storage proposed and the additional heavy duty asphalt is to accommodate truck access to the overhead door of the proposed building.

2. **16.03 C. Off-Street Parking.** The existing, off-street parking spaces provided exceed the required parking after accounting for the proposed addition. The parking lot is required to be no closer than twenty (20) feet to the adjacent property line, however, it currently exists within 20 feet to the east property line. This may be accepted as a pre-existing condition. The site plan should provide all parking lot dimensions, including stalls, to indicate code compliance.

3. **16.03 D. Landscaping.** The required 20’ wide landscaped green belt should be labeled and dimensioned on all sides of the property. A portion of the east property line does not accommodate a 20’ green belt as an existing condition.

4. **16.03 E. Lighting.** A lighting plan is provided within the revised set of plans and includes wall mounted lighting for the proposed addition. The lighting plan does not show lighting on the existing building or surface parking areas it is unclear if any changes are proposed to the existing site lighting, and this should be addressed by the applicant.

5. **16.03 F. Public Road Access.** Any development or proposal in the Limited Industrial District shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least eighty-six (86) feet. The existing industrial site has access to S. Lapeer Road via a private, 60’ roadway easement which services two other parcels. This is an existing condition.

6. **16.03 H. Covered Trash Areas.** Covered trash receptacles are not identified on the site plan. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. (Waiver)
7. **16.03 N. Tree Preservation Regulations.** The tree permit requirements apply to developments in this district, according to the terms of Section 27.12. **No trees are impacted by this expansion, per the applicant response.**

8. **16.03 O. Wetland Setbacks.** Section 27.17. B. requires that all buildings, parking lots, and drive/roadways be setback a minimum of 25 feet from wetlands or natural features. Confirm the survey provided accounts for any wetlands on or adjacent to the site. **There are no wetlands present on the subject site, per the applicant response. The 25-foot wetland setback can be verified as part of the engineering review.**

**Zoning Ordinance Compliance Table**

9. **LI District.** The below table indicates compliance with the LI District requirements in Article XVI. The standards in this table are a summary of Zoning Ordinance standards. Please refer to the individual sections referenced below for the full Zoning Ordinance text. Text in **blue** indicates changes required or information needed from the Applicant. Text in **green** indicates waivers or action items that may be considered by the Planning Commission as part of the site plan review process. Text in **red** indicates variances required through the Zoning Board of Appeals prior to site plan approval. Details regarding proposed compliance are provided in the summary beginning on page two.

<table>
<thead>
<tr>
<th>Article XVI – Limited Industrial (LI)</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>16.01 – Use Matrix</strong></td>
<td>($ § 16.02 Footnotes)</td>
</tr>
<tr>
<td>Manufacturing: tool, die, gauge, and machine shops</td>
<td>Permitted</td>
</tr>
<tr>
<td>Outdoor Storage</td>
<td>Not proposed, per applicant response</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>16.03 – Required Conditions (see ZO for full text)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C. Off-Street Parking</strong></td>
</tr>
<tr>
<td>1. 1 space/1,000 sf GFA or 1 space/employee whichever is greater</td>
</tr>
<tr>
<td>+1 add. space/every 4 spaces for facilities with more than 1 shift</td>
</tr>
<tr>
<td>2. PC may modify numerical requirements (1.) for off-street parking</td>
</tr>
<tr>
<td>3. Parking area/driveway setback 20’ adj. property line</td>
</tr>
<tr>
<td>Parking area/driveway setback 50’ abutting res. use/zone</td>
</tr>
<tr>
<td>4. Front yard internal roadways and driveways cont. curbed</td>
</tr>
<tr>
<td>Driveways and parking shall be curbed and hard surfaced</td>
</tr>
<tr>
<td>5. Compliance with § 27.04</td>
</tr>
<tr>
<td>6. Parking setback (3.) may be reduced/ waived abutting comm./ind. when existing parking, drives, and/or structures within setback area</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>D. Landscaping</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Landscape plan required in compliance with § 27.05</td>
</tr>
<tr>
<td>2. Greenbelts (perimeter): 20’ abutting comm./ind. zoning</td>
</tr>
<tr>
<td>Greenbelts (perimeter): 50’ abutting res. use/zoning</td>
</tr>
<tr>
<td>3. Off-street parking screened from res. property (berm/wall/landsc.)</td>
</tr>
<tr>
<td>4. Landscaping and screening maintenance</td>
</tr>
<tr>
<td>5. Greenbelt (2.) may be reduced/ waived abutting comm./ind. when existing parking, drives, and/or structures within setback area</td>
</tr>
</tbody>
</table>
### E. Lighting Regulations
1. Lighting plan required in compliance with § 27.11 Met
2. Site lighting fully shielded and directed downward to prevent glare
3. Illumination (max): 0.3 fc along res. PL or 1.0 fc along non-res. PL

### F. Public Road Access
Direct access to public road with 86’ r/w width Not met (existing)

### G. Utilities
All servicing business structure should be underground, if possible Existing

### H. Covered Trash Areas
1. 3-sided masonry brick-type wall 1’ higher; located in the rear yard Waiver requested/None found
2. Opaque lockable gate same height as brick-type wall
3. PC may waive requirement (need) for an outside trash receptacle

### I. Loading and Unloading
1. Located in the rear/side yard of a non-residential district See General Provisions below
2. Shall not interfere with parking or obstruct ingress/egress
3. Compliance with § 27.04

### J. Performance Guarantee (Twp. Clerk) – 30.09
Administrative

### K. General
- Smoke
- Open Fires
- Noxious Gases
- Air Contaminants
- Glare and Heat
- Noise
- Vibration
- Radio Transmission
- Storage of Flammable Materials
- Radioactive Materials
- Water Pollution

**The applicant should verify that these will be met.**

### L. Sign Regulation – Ordinance No. 153
No right-of-way frontage. Path exists along S. Lapeer Road. We defer to the Twp. Engineer.

### M. Safety Paths – Ordinance No. 97 (overrides SP Map)

### N. Tree Preservation – 27.12
See General Provisions below

### O. Wetland Setbacks – 27.17

<table>
<thead>
<tr>
<th>16.04 – Area and Bulk</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback (from future r/w line)</td>
<td>50 ft</td>
<td>Met (140 ft) East</td>
</tr>
<tr>
<td>Rear Yard Setback (opposite front)</td>
<td>25 ft*</td>
<td>Met (91.7 ft) West</td>
</tr>
<tr>
<td>Side Yard Setback (any non-front/rear)</td>
<td>25 ft on each side*</td>
<td>Met (230.5 ft) North</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>2 acres</td>
<td>Met (4.048 acres)</td>
</tr>
<tr>
<td>Maximum Lot Area</td>
<td>30 acres</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>Met (23.6%)</td>
</tr>
<tr>
<td>Maximum Height of All Structures</td>
<td>40 ft*</td>
<td>Met (30 ft)</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>25 ft</td>
<td>Defer to Fire Dept.</td>
</tr>
</tbody>
</table>
10. **General Provisions.** The below table indicates compliance with the General Provisions in Article XXVII. The standards in this table are a summary of Zoning Ordinance standards, please refer to the individual sections referenced below for the full Zoning Ordinance text.

<table>
<thead>
<tr>
<th>Article XXVII – General Provisions</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>27.04 – Parking and Loading Regulations (see ZO for full text)</strong></td>
<td></td>
</tr>
<tr>
<td>A. Off-Street Parking</td>
<td></td>
</tr>
<tr>
<td>2.a. Minimum setback of 20’ shall be maintained for parking areas</td>
<td><strong>Not Met (existing)</strong></td>
</tr>
<tr>
<td>2.h. Parking Spaces for Physically Handicapped</td>
<td>Defer to Building Dept. – 1 space provided</td>
</tr>
<tr>
<td>3.b. Maneuvering Lanes. 25’ setback from res. zoning</td>
<td>N/A (no adjacent res.)</td>
</tr>
<tr>
<td>3.c. Surfacing and Drainage</td>
<td>Defer to Twp. Engineer</td>
</tr>
<tr>
<td>3.d. Lighting</td>
<td>Met</td>
</tr>
<tr>
<td>3.e. Screening and Landscaping. Parking screened from res. prop.</td>
<td>N/A (no adjoining res.)</td>
</tr>
<tr>
<td>Off-Street Parking Chart</td>
<td>Met. Sheet SP 2.</td>
</tr>
<tr>
<td><strong>B. Off-Street Loading and Unloading</strong></td>
<td></td>
</tr>
<tr>
<td>3.c. Industrial Districts</td>
<td>2 required, 2 existing</td>
</tr>
</tbody>
</table>

**27.05 – Landscaping, Fences, and Walls (see ZO for full text)**

| A. Landscaping | |
| 3.a.i. Suitable plant material surfacing | Not provided. PC to determine whether to accept existing conditions or require landscape plan |
| 3.a.ii. Landscaped open space area | |
| 3.a.iv. Underground irrigation or acceptable water supply | |
| 4. Parking Lot Landscaping Adjacent to Roads (20’ r/w greenbelt) | N/A |
| 5. Screening for Conflicting Land Uses (abutting res.) | N/A (no adjoining res.) |
| 6. Interior Parking Lot Landscaping (greater than 20 spaces) | Met |

| B. Materials Standards and Specifications | |
| C. Installation and Maintenance | Defer to Building Dept. |
| D. Regulations Pertaining to Existing Plant Material | No trees appear to be impacted. |
| E. Prohibited Plant Materials | No landscape plan |

**27.06 – Streets, Roads, and Other Means of Access (see ZO for full text)**

| D. Internal Roadways | Existing pvt. access road (Engelwood Dr.) |
| F. Safety Pathways. Construction specifications | Defer to Twp. Engineer |

**27.11 Lighting Regulations**

| D. Submittal Requirements | Met |
| E. Non-Residential Lighting Standards | |
| 1. Fully shielded and directed downward to prevent glare | |
| Maximum intensity 20 fc at base of light fixture | |
| 1.a. Illumination (max): 1.0 fc along non-residential property lines | |
| Parking Lot Average Minimum Illumination 0.9 fc | Met |
1.b. Fixture types
1.c. Planning Commission may approve decorative/historic fixtures
1.d. Maximum height of pole fixtures 20’ from ground level; 30’ permitted where fixtures no closer than 200’ from res. district

2. Building-Mounted Lighting

G. Prohibited Lighting Types

<table>
<thead>
<tr>
<th>27.12 Tree and Woodlands Protection (see ZO for full text)</th>
<th>A tree survey is provided. No trees appear to be removed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.14 – Access Management (see Zoning Ordinance for full text)</td>
<td>Existing pvt. road access to S. Lapeer Road.</td>
</tr>
<tr>
<td>E. Access Controls</td>
<td>Defer to Twp. Engineer</td>
</tr>
<tr>
<td>F.1-6. Driveway Standards</td>
<td>Met (existing)</td>
</tr>
<tr>
<td>7. Clear Vision Areas and Buffer Areas</td>
<td></td>
</tr>
<tr>
<td>27.17 Wetland Setbacks (see ZO for full text)</td>
<td>No wetlands on site per applicant response.</td>
</tr>
<tr>
<td>All structures or buildings: 25’</td>
<td></td>
</tr>
<tr>
<td>Parking lots: 25’</td>
<td></td>
</tr>
<tr>
<td>Streets, roads, driveways: 25’</td>
<td></td>
</tr>
<tr>
<td>27.19 Outdoor Storage</td>
<td>None proposed per applicant response.</td>
</tr>
<tr>
<td>A.2, Accessory Use</td>
<td></td>
</tr>
<tr>
<td>B. Regulations</td>
<td></td>
</tr>
</tbody>
</table>

2019 Google Street View image of Engelwood Street, looking west from S. Lapeer Road.

Lapeer Road Overlay District

The below table indicates Overlay District standards in green that are not indicated and should be addressed either with plan revisions or waivers as permitted in the Overlay District. Other items not in green are included for the Planning Commission’s consideration as architecture design is subjective.
### 35.04 – Lapeer Road Development Standards

<table>
<thead>
<tr>
<th>A. Site Design.</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Building Orientation</td>
<td>N/A (parcel is interior)</td>
</tr>
<tr>
<td>3. Pedestrian Circulation</td>
<td>No new sidewalks or connection to safety paths are provided w/i the site; may be waived/modified by PC</td>
</tr>
<tr>
<td>b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.</td>
<td></td>
</tr>
</tbody>
</table>

### 4. Off-Street Parking

<table>
<thead>
<tr>
<th>c. Front Yard Parking</th>
<th>All parking spaces existing in front yard &amp; closer than 20’ to PL. Existing condition.</th>
</tr>
</thead>
<tbody>
<tr>
<td>d. Setbacks</td>
<td></td>
</tr>
</tbody>
</table>

### 5. Outdoor Storage

<table>
<thead>
<tr>
<th>5. Outdoor Storage</th>
<th>See 27.19 – See General Provisions above</th>
</tr>
</thead>
</table>

### 7. Lighting

<table>
<thead>
<tr>
<th>7. Lighting</th>
<th>See 27.11 – General Provisions above</th>
</tr>
</thead>
</table>

### 8. Landscaping

<table>
<thead>
<tr>
<th>8. Landscaping</th>
<th>See 27.05 – General Provisions above. No landscape plan provided.</th>
</tr>
</thead>
</table>

### B. Design Standards:

#### 1. Facades & Exterior Walls:

<table>
<thead>
<tr>
<th>a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.</th>
<th>Recess provided along east façade of the building</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty percent (50%) of their horizontal length.</td>
<td>N/A. Building &amp; proposed addition are interior &amp; do not face a public street.</td>
</tr>
<tr>
<td>c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e., offsets, reveals or projecting ribs).</td>
<td>Not provided; may be waived/modified by PC</td>
</tr>
</tbody>
</table>

#### 2. Building Entrances

| a. Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as: | Principal building is existing |
| Canopies, porticos, or overhangs; | |
| Recesses/projections; | |
| Raised, corniced parapets above the door; | |
| Peaked roof forms; | |
| Display windows; | |
| Integrated tile work and moldings; | |
| Integral planters; | |
| Pavement/material changes for pedestrian crosswalks | |

#### 3. Roofs

| a.1. Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall. | Rooftop equipment has not been indicated for review |
### 4. Materials & Colors

<table>
<thead>
<tr>
<th>a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.</th>
<th>Predominant façade material of addition is pre-manufactured, insulated wall panels above painted concrete block below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.</td>
<td>Façade colors have not been submitted for review</td>
</tr>
<tr>
<td>c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trip or accent areas.</td>
<td>Façade material of addition is pre-manufactured, insulated wall panels above painted concrete block below. Percentages subject to PC review.</td>
</tr>
<tr>
<td>d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels.</td>
<td></td>
</tr>
</tbody>
</table>

### 5. Covered Trash Areas

Covered trash receptacles shall be surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle in the rear yard of the building or principal use structure.

The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.

The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

Existing sufficient disposal, per applicant response. PC may waive the requirements of this section.

### D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

1. The standards of this Section would prevent reasonable use of the site.

2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.

3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
Maps

1. Wetlands.
2. **Adjacent Zoning.**

3. **Safety Paths (existing along S. Lapeer Road).**
September 28, 2021

Scott Reynolds, Planning Commission Chairperson
CHARTER TOWNSHIP OF ORION
2525 Joslyn Road
Lake Orion, MI 48360

RE: MPD Welding Expansion, PC-2021-58
Site Plan Review #2

Received: September 13, 2021 by Orion Township

Dear Mr. Reynolds:

We have completed our review of MPD Welding Expansion plan set. The plans were prepared by Nowak and Fraus and were reviewed with respect to the Township's Zoning Ordinance, No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance, No. 139, and the Township's Engineering Standards.

EXISTING SITE CONDITIONS:
The site is located on the west end of Engelwood Dr, southwest of the intersection of Silverbell and Lapeer Rd. within the northwest quadrant of Section 35 of the Charter Township of Orion. The site is zoned Limited Industrial (LI) and bound by parcels to the north and east of the property zoned Limited Industrial (LI), and parcels to the south and west zoned Industrial Park (IP).

The existing site contains a 16,251 sq.ft. building footprint and associated parking lot and truck well located on the east side of the building. There is a gravel lot that extends around the northern face of the building which contains some stored material. The gravel lot and drive appear to wrap around the building to the west and ends at a set of 3 barricades aligned westerly with the southern face of the building. A 60-foot ingress/egress and public utility easement is present located along the eastern edge in the southeastern corner of the site. The applicant is proposing to add a 7,200 sq.ft. building addition on the north side of the building. Parking lot will be extended north to meet the northern edge of the new building.

WATER MAIN AND SANITARY SEWER:
There is existing water main located along the south of the site that loops into existing main to the south commercial properties and to the east to M-24. Two hydrants are located along the parcel frontage. There is existing 8-inch water main that extends northward to a dead-end hydrant just east of the site from which existing water services are extended to the existing building. An FDC has been included on the south side of the building adjacent to a proposed 4-inch fire suppression lead extended from the 8-inch main. A Fire Truck Staging Location has been included in the plans which appears to allow fire truck access to the south side of the building. We defer further comment on hydrant spacing, FDC location, and access to the Fire Marshal. At engineering, the water main easement will need to be revised to be centered over the existing hydrants and extended over the main to the property line.

There is existing 10-inch sanitary sewer extending along Englewood Drive and is stubbed to the east property line for future connection. It appears the existing building is on a septic field. Based on the proposed floor layout, it
appears the proposed building addition will not include additional restroom facilities so the existing septic field loading should not be increased. We defer further review to the OCHD. Should the existing septic field fail in the future, the building will need to be connected to the stubbed sanitary sewer.

**STORMWATER MANAGEMENT:**
Existing stormwater collection is comprised of a few catch basins and trench drains that lead to a structure located northeast of the building which ultimately outlets into the existing regional detention basin northeast of the site. The green space on site appears to drain from the center of the site outward. The existing detention system includes a 2-foot-deep sump to collect sediment. During construction, the regional detention pond should be monitored for sediment loading. Removal of the accumulated sediment maybe required prior to project closeout.

The applicant appears to be proposing storm sewer along the north side of the building to convey the roof runoff to the east to the existing regional detention basin. The proposed asphalt appears to be graded so that it will eventually drain to one of the existing catch basins located north or south of the proposed pavement, and ultimately be carried to the detention basin. Design calculations for the existing detention pond were provided on the plans indicating all tributary parcels were included using a runoff coefficient of 0.85. The applicant has indicated the site with the proposed building addition will have a runoff coefficient of 0.61 which is less than the original design, therefore additional detention volume will not be required.

**PAVING/GRADING:**
The site is accessible solely from the ingress/egress access in the southeast corner of the site. The entrance appears to be 23 feet wide, but 25 feet are provided for the main drive aisle internal to the site. The applicant is proposing to extend the asphalt parking lot further north to meet the northern face of the building expansion. A single concrete pad is proposed in front of the proposed overhead garage door located at the north end of the building. A 20' wide asphalt Fire Truck Staging Location is proposed to be constructed to provide access to the existing fire hydrants along the south side of the building.

Two proposed cross-sections were included in the plans. The concrete section includes 8-inches of concrete atop 8 inches of aggregate. The deep strength asphalt section is 6 inches of asphalt atop 8 inches of aggregate atop 12 inches of class II sand. Both pavement sections appear acceptable based on the zoning of the site. A gravel pavement section has been added to the plans that is comprised of 8 inches of aggregate atop a proof-rolled base. We understand the gravel section is only for use in restoring the existing gravel area north of the proposed building that will be disturbed by the storm sewer installation.

Existing grades were provided via 1-foot contours in green space and spot grades in paved and gravel areas. The site appears to drain directly to catch basins in paved areas, and from the inside out in green space. Proposed grades are shown via 1-foot contours and multiple spot grades. Proposed grading appears to meet existing grades in an acceptable manner and the general grading plan appears acceptable.

**TRAFFIC & CIRCULATION:**
No changes to site access are proposed as part of the site development aside from the proposed Fire Truck Staging area.

**LANDSCAPING:**
No trees are proposed for removal on this site. In addition, a landscape plan was not included in the plans.

**NATURAL FEATURES:**

**Wetlands:**
There are no proposed impacts to any wetlands.
Woodlands:
A limited tree survey was included in the plans. However, it appears that no tree removals are proposed as part of the site improvements.

CONCLUSION:
In our opinion, the site plan as submitted is in substantial compliance with the Township’s ordinances and engineering standards. We ask that the approval include the following:

1. The engineering plan, designed in accordance with Zoning Ordinance No. 78, Stormwater Management and Soil Erosion & Sedimentation Control Ordinance No. 139, and the Township’s Engineering Standards shall be submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

The applicant should note the Township may require performance bonds, fees, and/or escrows for a preconstruction meeting and necessary inspections. Please feel free to contact us with any questions at (248) 751-3100 or mark.landis@ohm-advisors.com.

Sincerely,

OHN Advisors

Joe Lehman
Project Engineer

cc: Chris Barnett, Township Supervisor
    David Goodloe, Building Official
    Jeff Stout, Director of Public Services
    Tammy Girling, Director of Planning and Zoning
    Lynn Harrison, Planning and Zoning Coordinator
    Jeff Williams, Township Fire Marshal
    Bill Basiglow, Water and Sewer Superintendent
    Jerry Lilly, Rollins Rentals, Inc.
    Brad Brickle, Nowak and Fraus
To: Planning Commission/Planning & Zoning Director  
From: Jeff Williams, Fire Marshal  
Re: PC-2021-58, MPD Welding, Site Plan Modifications – 2nd Submittal Revised  
Date: 09/21/2021

The Orion Township Fire Department has completed its review of Application PC-2021-58 for the limited purpose of compliance with Charter Township of Orion Ordinance’s, Michigan Building Code, and all applicable Fire Codes.

Based upon the application and documentation provided, the Fire Department has the following recommendation:

X Approved  
   Approved with Requirements (See below)  
   Not approved

Comments: NONE

This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information at time of building permit application that includes data or documents, confirming full compliance with all applicable building codes, fire codes and Township Ordinances.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2004.

Sincerely,

Jeff Williams  
Jeff Williams, Fire Marshal  
Orion Township Fire Department
Dear Tammy,

The Department of Public Services has reviewed the above-mentioned project and has no objections to the amended plans as submitted.

If you have any questions, please contact me.

Respectfully Submitted,

Jeffery T. Stout
Director
Department of Public Services
July 30, 2021

Lynn Harrison
Charter Township of Orion
2525 Joslyn Road
Lake Orion, MI 48360

Reference: MPD Welding Expansion – Energov #0206-2021
Part of the NW ¼ of Section 35, Orion Township

Dear Ms. Harrison,

This office has received one set of plans for the MPD Welding Expansion Project to be developed in the Northwest ¼ of Section 35, Orion Township.

Our stormwater system review indicates that the proposed project has no direct involvement with any legally established County Drain under the jurisdiction of this office. Therefore, a storm drainage permit will not be required from this office.

The water system is operated and maintained by Orion Township and plans must be submitted to Orion Township for review.

The sanitary sewer is within the Clinton-Oakland Sewage Disposal System. Any proposed sewers of 8" or larger may require a permit through this office.

Please note that all applicable permits and approvals from federal, state or local authorities, public utilities and private property owners must be obtained.

Any related earth disruption must conform to applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. An application should be made to Orion Township for the required soil erosion permit.

If there are any questions regarding this matter, please contact Dan Butkus at 248-897-2744.

Sincerely,

[Signature]

Brian Bennett, P.E.
Civil Engineer III
A site walk was conducted by Scott Reynolds, Joe St. Henry, and Don Gross on July 26, 2021 for the site plan location for MPD Welding on 4200 S. Lapeer Road.

The site is on the west end of an industrial complex on Englewood Drive. there are 4 other industrial buildings in the complex and MPD Welding is the last building in the complex. The expansion is to take place on vacant property immediately on the north side of the building in a cleared area. There are no trees or other natural features that will be impacted. The building cannot be seen from Lapeer Road.

The entire complex of industrial buildings is well maintained.

Respectfully submitted

Don Gross, Planning Commission

Donald Gross, Planning Commissioner
Charter Township of Orion
2525 Joslyn Rd., Lake Orion MI 48360
dgross@oriontownship.org
http://www.oriontownship.org
Charter Township of Orion Planning Commission

Site Plan Approval Application

30.01, A. Intent: The site plan review procedures and standards are intended to provide an opportunity for consultation and cooperation between the applicant and the Planning Commission so as to achieve maximum utilization of land with minimum adverse effects on adjoining property. Furthermore, it is the intent of these procedures and standards to allow for review of site plans by the Planning Commission, to provide a consistent and uniform method of review, and to ensure full compliance with the standards contained within Zoning Ordinance 78, and other applicable local ordinances and State and Federal laws.

Project Name: MPD Welding - Proposed Shop Area Addition

<table>
<thead>
<tr>
<th>Name of Development if applicable:</th>
<th>n/a</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Kemp Building and Development</td>
</tr>
<tr>
<td>Address: 275 W Girard Ave</td>
</tr>
<tr>
<td>City: Madison Heights</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48071</td>
</tr>
<tr>
<td>Phone: 248-583-9030</td>
</tr>
<tr>
<td>Cell: n/a</td>
</tr>
<tr>
<td>Fax: 248-583-3140</td>
</tr>
<tr>
<td>Email: <a href="mailto:patricia@Kemp-company.com">patricia@Kemp-company.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: ROLLINS RENTALS, INC</td>
</tr>
<tr>
<td>Address: 4200 S. Lapeer Rd</td>
</tr>
<tr>
<td>City: Orion</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48359-1866</td>
</tr>
<tr>
<td>Phone: (248) 340-0330</td>
</tr>
<tr>
<td>Cell: n/a</td>
</tr>
<tr>
<td>Fax: n/a</td>
</tr>
<tr>
<td>Email: Jerry Lilly <a href="mailto:jlily@mpdweldinginc.com">jlily@mpdweldinginc.com</a></td>
</tr>
</tbody>
</table>

* If the name on the deed does not match the name of the property owner on this application, documentation showing the individual is the same as the company name must be provided.

<table>
<thead>
<tr>
<th>Plan Preparer Firm/Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Nowak and Fraus</td>
</tr>
<tr>
<td>Address: 46777 Woodward Ave</td>
</tr>
<tr>
<td>City: Pontiac</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48342</td>
</tr>
<tr>
<td>Phone: (248) 332-7931</td>
</tr>
<tr>
<td>Cell: n/a</td>
</tr>
<tr>
<td>Fax: n/a</td>
</tr>
<tr>
<td>Email: Brad Brickel &lt;BBrickel@nfe- engr.com&gt;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Contact Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Kemp Building and Development</td>
</tr>
<tr>
<td>Address: 275 W Girard Ave</td>
</tr>
<tr>
<td>City: Madison Heights</td>
</tr>
<tr>
<td>State: MI</td>
</tr>
<tr>
<td>Zip: 48071</td>
</tr>
<tr>
<td>Phone: 248-583-9030</td>
</tr>
<tr>
<td>Cell: n/a</td>
</tr>
<tr>
<td>Fax: n/a</td>
</tr>
<tr>
<td>Email: patricia @kemp-company.com</td>
</tr>
</tbody>
</table>
Sidewell Number(s): 09-35-100-010
Location or Address of Property: 4200 S Lapeer Rd
Side of Street: West Nearest Intersection: Silverbell
Acreage: 4 acres Current Use of Property: Industrial

Is the complete legal description printed on the site plan?  [ ] Yes  [ ] No (if no please attach to the application)

Subject Property Zoning: L1  Adjacent Zoning: N. L1  S. L1  E. L1  W. L1

List any known variances needed (subject to change based on Township consultant’s review)
None

Give a detailed description of the proposed development, including the number and size of the buildings or units being proposed addition to shop area

Pursuant to Zoning Ordinance 78, Section 30.01 C. a copy of this application and two copies of the site plan must be submitted to the each of the following agencies. Please provide the Township with a copy of each transmittal as proof of delivery.

<table>
<thead>
<tr>
<th>Agency</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT&amp;T</td>
<td>54 Mill St. 530 W. Willow St.</td>
</tr>
<tr>
<td>Pontiac, MI 48342</td>
<td>Lansing, MI 48906</td>
</tr>
<tr>
<td>DTE Energy Co.</td>
<td>Oakland County Health Department</td>
</tr>
<tr>
<td>ATTENTION: NW Planning &amp; Design</td>
<td>Building 34 East</td>
</tr>
<tr>
<td>1970 Orchard Lake Rd.</td>
<td>1200 N. Telegraph Rd.</td>
</tr>
<tr>
<td>Sylvan Lake, MI 48320</td>
<td>Pontiac, MI 48341</td>
</tr>
<tr>
<td>Michigan Department of Transportation (if</td>
<td>Road Commission of Oakland</td>
</tr>
<tr>
<td>applicable)</td>
<td>County (if applicable)</td>
</tr>
<tr>
<td>800 Vanguard Dr.</td>
<td><a href="mailto:sintkowski@rcoc.org">sintkowski@rcoc.org</a></td>
</tr>
<tr>
<td>Pontiac, MI 48341</td>
<td>(electronic submittal only)</td>
</tr>
<tr>
<td>Oakland County Water Resources</td>
<td></td>
</tr>
<tr>
<td><a href="mailto:wrcapermitting@oakgov.com">wrcapermitting@oakgov.com</a></td>
<td></td>
</tr>
</tbody>
</table>

I/We, the undersigned, do hereby submit this application for Site Plan Approval, pursuant to the provisions of the Charter Township of Orion Zoning Ordinance; No. 78, Section 30.01 and applicable ordinance requirements. In support of this request the above facts are provided. I hereby certify that the information provided is accurate and the application that has been provided is complete.

**Signature of Applicant:**
[Signature]
Date: 7-12-2021
Print Name: Thomas R. Kemp

I, the property owner, hereby give permission to the applicant listed above to act as my agent in submitting applications, correspondence and to represent me at all meetings. I also grant permission to the Planning Commission members to visit the property, without prior notification, as is deemed necessary.

**Signature of Owner:**
[Signature]
Date: 7-12-21
Print Name: Richard Bourder
Hello Nicollette -

We have been eagerly awaiting for news on the Gregory Meadows Cottages in Lake Orion for months. We are deeply disappointed that we didn't act on other properties as we waited for new opening details of the cottages which we were led to believe were in the LOW 300's when they are in fact in the HIGH 300's to LOW $400s with options. All of the past communication both in your website and multiple emails - even as recent as 5/9 and 9/2/21 attached - advertised the pricing as the lower 300's.

The lower 300's would be $300K-$333K, mid would be $334K - $366K and high would be $367K - $399K. You are actually in the high 300's with your lowest option now listed at $368K.

We feel like this is completely deceiving and Pulte should be ashamed of themselves for falsely advertising the starting pricing. We are copying in Pulte Compliance and Lake Orion Zoning on this email and also just filed a complaint with the BBB.

Although we have previous Pulte homes and have been satisfied, we will thankfully pass on the Gregory Meadows Cottages and I request that you pull me off the interest list immediately. And after reading through the recent BBB and Facebook complaints all over the U.S., we feel like this all may be a blessing in disguise.

To the Lake Orion Planning Commission, we would ask that you further look into this matter as we are sure we won't be the first or last to complain about the deceptive pricing from Pulte.

Thank you,

Cynthia and Gary Carr

Rochester, MI 48306
Hello Cynthia!

Thank you for your continued interest in our new community, The Cottages at Gregory Meadows in Lake Orion. The wait is almost over!

We are excited to announce our stunning line up of the three ranch floorplans for the community, pricing is now online! Below are the links for more details.

- The Abbeyville
- The Ascend
- The Bedrock

While our Abbeyville model at the Cottages at Gregory Meadows is under construction and unveiling later this fall, you can get a head-start on selecting your favorite home design by touring these floor plans now at a few of our other communities. You will need have determined your first choice of floor plan in order to participate in our VIP sessions that will be held in just a couple weeks. Below is a list of model locations you can tour prior to pre-selling.

Abbeyville Model Locations:
Hillcrest - 40606 Tulip Trace, Clinton Township, MI 48035 (GPS Link)
Villas at Stonebrook - 48888 Windfall Rd, Novi, MI 48374 (GPS Link)
*Hillcrest and Villas at Stonebrook are duet versions and the Cottages at Gregory Meadows will be detached, stand-alone ranches.

Bedrock Model Locations:
Bluffs at Spring Hill - 1025 Spring Trail Court, Brighton, MI 48116 (GPS Link)
Grandview Estates - 49420 Mapleton, Canton, MI 48188 (GPS Link)

The models are open daily, 11AM-6PM, Monday 12PM-6PM. *Villas at Stonebrook in Novi will be closed Friday, September 10th - Monday, September 13th.

I'm looking forward to sharing all other details on the community as soon as we have them finalized!

Sincerely,
CONFIDENTIALITY NOTICE: This email may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you have received this communication in error, please notify the sender immediately by email and delete the message and any file attachments from your computer. Thank you.

Prices may not include lot premiums, upgrades and options. Homeowners association and other fees may be required. Prices, promotions, incentives, features, options, amenities, floor plans, elevations, designs, materials, and dimensions are subject to change without notice and may not be available on all homes or in a particular community. Square footages and dimensions are approximations or estimated and may vary in actual construction. Floor plans and elevations may be artistic concepts or model renderings and are not intended to show specific detailing. Actual home position on lot will be determined by plot plan and various factors. Community features, amenities and improvements are based upon current development plans which are subject to change and which are under no obligation to be completed. Floor plans are the property of PulteGroup, Inc. and its affiliates and are protected by U.S. copyright laws. This communication is not intended to constitute an offering in violation of the law of any jurisdiction and in such cases our communications may be limited by the laws of your state. Please see a PulteGroup sales consultant for complete details.

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If you would no longer like to receive these updates, please use this link.

Cindy Carr

586.344.8127
Extreme heat and large, prolonged fires in the west....A 500-year flood in Southeast Michigan and intense bursts of rain to flood again weeks later....Hurricane season lasting longer....Record-breaking rain in Tennessee washing away homes, businesses, and lives.... More frequent and prolonged deep freezes such as those experienced in the Upper Midwest during the winters of 2013-2014...2014-2015...and 2017-2018....Algal blooms that disrupt water supplies....A global pandemic....

These events have many communities thinking about how to prepare for weather and climate-related shocks and stressors, as well as economic and health ones in order to protect residents, prevent losses and damage to property, and be able to survive and continue to grow during and after challenging events. Fortunately this type of planning can be easily embedded into the process of reviewing and updating master plans. This newsletter is the first in a two-part series that discusses the connection between the master plan and sustainability. Part 2 will discuss specific strategies worth adding to community Master Plans and Zoning Ordinances.

(Lack of) community preparedness. Many communities have not been focused on issues of sustainability and resiliency explicitly, although they have often been implied goals of master plans. This lack of dedicated thought and conversation can be problematic when an adverse event does occur, finding a community unprepared and therefore facing worse effects than what could have been if early mitigation was done through sustainability actions. Despite repeated shocks, many communities only take short-term actions. Yet, communities that implement sustainability plans, whether as stand alone plans or part of the master plan, are more than twice as likely to implement sustainability actions in the years following the plan's adoption compared to those without a plan. These actions promote resiliency, improve quality of life and equity, and help ensure a thriving community.

Incorporating sustainability goals in the Master Plan. There are many reasons that master plans and planning for sustainability are complementary. Here are a few:

Sustainability or Resiliency? What's the difference?

SUSTAINABILITY is the more familiar, well-established concept, and focuses on decreasing or eliminating the detrimental future impacts of our current activity.

RESILIENCY recognizes that our built environment will be subject to stresses and is the practice of designing that environment in a way that can endure those stresses. Planning for resiliency must consider that some threats are ongoing, persistent stresses, while others are sudden shocks, single events that disrupt the day-to-day functioning of the community.

HOW ARE RESILIENCE AND SUSTAINABILITY RELATED?
Resiliency and sustainability go hand-in-hand. In short, not acting sustainably today harms our ability to be resilient in the future. Communities need to be resilient to both persistent stressors as well as acute, disruptive shocks that must be managed in real-time and recovered from after the event. A sustainable community seeks policies and solutions that focus on environmental, social, and economic aspects simultaneously.
There are abundant opportunities to incorporate alternative energy strategies into existing built environments. The example above is a carport with solar panels in a public parking area (Ann Arbor).

Above, wind turbines accent the roof of a big-box store (Grand Haven).

Rain gardens can be added to neighborhood ditches to slow the runoff of stormwater and enhance the streetscape.

- The master plan is a legal guidebook for community development, providing the legal basis for zoning regulations, capital improvements, and other land-use and environmental regulations that can include sustainability initiatives.

- The master plan is the only tool intended to influence the future of communities that is required to set community-wide goals, seek citizen input for goal development and monitoring, identify priorities, and assign tasks for implementing its proposals. This community-based planning provides support for implementing sustainability initiatives.

- Including sustainability goals in the master plan provides transparency for residents, local businesses, and organizations about land use and development of public facilities, making their planning more efficient.

The Master Plan review and updating process can help identify areas where communities are already prepared for challenges, areas to improve preparedness and ways today’s activities could be improved to reduce future impacts. These resilience and sustainability suggestions can be incorporated into other community goals and needs, such as infrastructure updates and land use considerations. Additionally, the Master Plan often includes an analysis of where those who may be most affected by a long-term stressor or acute shock (i.e. vulnerable populations) are located as well as community assets. Knowing the location of vulnerable populations such as those from low-income households, the elderly or young, and those disabled can help prioritize areas to strengthen infrastructure and resources to help ensure no one is left behind during a worst-case scenario.

**The Master Plan and Sustainability Audit.** Because the Master Plan is implemented in smaller increments over short, medium, and long-term timelines, there are opportunities for communities to carefully consider what conditions may promote or hinder resiliency and ways communities can improve the sustainability of their activities. A sustainability audit can serve as an implementation tool following a new or updated Master Plan. To complete the audit, the zoning ordinance is carefully reviewed for the current ordinance’s potential to positively impact the environment, social, and economic aspects of the community.

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**Giffels Webster News**

**OCTOBER IS COMMUNITY PLANNING MONTH!** For the past few years, the team at Giffels Webster has been actively engaged with the American Planning Association’s annual October celebration of community planning. We couldn’t agree more with the APA when they say, “Planners work to improve the well-being of all people living in our communities by taking a comprehensive perspective. This approach leads to safer, resilient, more equitable, and more prosperous communities. We celebrate the role that planning plays in creating great communities each October with National Community Planning Month.”

For more information, please contact Giffels Webster at 866.271.9663. [www.giffelswebster.com]